



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2010-1005-01 1673

MULTI-COUNTY: M-S-R Public Energy Authority

TITLE 2. STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—High Performance Acceptance Grants — Notice File No.

Z2010-1005-07 1674

TITLE 4. ATHLETIC COMMISSION

License Application Fee; Guidelines for Applying Bandages; Procedures for Revocation and Denying

Licensure; Minimum Maximum Rounds for Mixed Martial Arts and Kickboxing — Notice File

No. Z2010-1005-09 1678

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

Self Insurance Group Regulations — Notice File No. Z2010-1005-02 1680

TITLE 9. DEPARTMENT OF MENTAL HEALTH

Mental Health Services Act (MHSA) Capital Facilities Component — Notice File No. Z2010-0928-01 1686

TITLE 10. DEPARTMENT OF INSURANCE

Principally At-Fault Regulation — Notice File No. Z2010-1005-03 1689

TITLE 16. BOARD OF PSYCHOLOGY

Continuing Education Requirements — Notice File No. Z2010-1005-08 1692

TITLE 18. BOARD OF EQUALIZATION

Miscellaneous Service Enterprises — Notice File No. Z2010-1004-01 1695

TITLE 22. DEPARTMENT OF PUBLIC HEALTH

Standard Admission Agreement — Notice File No. Z2010-0923-01 1699

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME
CESA Consistency Determination for Abbondanza Square Project, Sonoma County 1701

DEPARTMENT OF HEALTH CARE SERVICES
Targeted Case Management State Plan Amendment 1703

DEPARTMENT OF REAL ESTATE
Annual Fee Review Hearing (Statutory Req.) 1704

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Notice of Intent to List Tribufos (DEF) — Additional Extension of Public Comment Period 1705

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1706

Sections Filed, May 5, 2010 to October 6, 2010 1709

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

Multi County: M–S–R Public Energy Authority

A written comment period has been established commencing on **October 15, 2010** and closing on **November 29, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45–day comment period, the proposed conflict of interest code(s) will be submitted to the Commission’s Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above–referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re–submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 29, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re–submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.2, 1859.71.6, 1859.77.4, 1859.81.1 AND 1859.104, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

FORM PROPOSED FOR AMENDMENT

Application for Funding, Form SAB 50-04, (Revised 05/10), referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, including an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35 and 17072.13, 17075.15 and 17079.30 of the Education Code. The proposals interpret and make specific reference Sections 17070.35, 17070.99, 17072.12, 17072.13, 17072.20, 17072.33, 17074.15, 17074.16, 17076.10, 17079.20, 17079.30 and 101012(a)(8) of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP

provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The SAB, at its May 26, 2010 meeting, adopted regulatory amendments to the School Facility Program (SFP) Regulations to stimulate greater participation for high performance incentive (HPI) grants requests by increasing the HPI grant amounts for new construction and modernization projects. These grants are achieved by using designs and materials in new construction and modernization projects for efficiencies in sustainable sites, energy, water, materials, and indoor environmental quality. Education Code Section 101012(a)(8) authorized \$100 million for HPI grants, but \$70.1 million continues to remain available and increased school district participation is needed.

HPI grants are achieved by using designs and materials in new construction and modernization projects for efficiencies in the following categories:

- Sustainable Sites
- Energy
- Water
- Materials
- Indoor Environmental Quality

The regulatory amendments add 16 additional “points” to the High Performance Rating Criteria (HPRC) categories, which will facilitate projects achieving more “points” and qualifying for HPI grants. The new “points” added are as follows:

- Indoor and outdoor potable water efficiencies 2
- Various specific energy efficiencies 11
- Indoor lighting and acoustical improvements 3

The Division of the State Architect (DSA) reviews construction plans and scores the project if high performance building components are included in the project.

A High Performance Base Incentive Grant (HPBIG) has also been added to encourage participation in acquiring HPI grants and to help offset some of the added costs incurred by districts to design and install high performance building components. There will be one HPBIG allowed per school site.

- New Construction Projects — \$150,000 will be added to the HPI grants meeting the minimum of 27 points on the HPRC point system.
- Modernization and New Construction Addition Projects — \$250,000 will be added to the HPI grants meeting the minimum of 20 points on the HPRC point system.

A summary of the proposed regulatory amendments is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments add the definition of “High Performance Base Incentive Grant,” equaling \$150,000 State funding for qualifying new construction projects or \$250,000 State funding for qualifying new construction addition projects or modernization projects.

Existing Regulation Section 1859.71.6 sets forth a point system based upon construction industry-recognized High Performance Rating Criteria, for school districts to qualify for a SFP additional grant for including “high performance” designs and materials in their new construction projects. The proposed amendments make the following changes:

Sustainable Sites:

- Code compliance equals is a prerequisite.
- Avoiding Environmentally sensitive land equals one point;
- Greenfields equals one point;
- Bicycles / Human-powered transportation equals one point;
- Construction site runoff control equals is a prerequisite;
- Outdoor Surfaces and Spaces:

Water:

- Create water use budget equals is a prerequisite;
- Reduce potable water use for non-recreational landscaping areas, equals one to two points.
- Reduce potable water use for recreational area landscaping equals one point.
- Reduce sewage conveyance from toilets and urinals equals one point;
- Reduce indoor potable water use equals one to ~~two~~ three points.

Energy:

- Minimum energy performance based on 2008 California Energy Code equals is a prerequisite.
- Superior energy performance based on 2008 California Energy Code equals one to 13 points;
- Plug loads monitored by an energy management system equals one point.
- Alternate Energy Sources: Renewable energy equals one to seven 15 points; one point for each five percent of the site’s annual power consumption that is produced on site ~~not to exceed 35 up to 40 percent and one point for each ten percent above zero 40 percent of the site’s annual~~

power consumption that is produced on site up to 90 percent and two points if 95 percent or more of the site’s annual power consumption is produced on site.

- Fundamental building systems testing and training equals is a prerequisite.
- Enhanced commissioning equals one to ~~two~~ four points.

Materials:

- Recycling: Storage and collection of recyclables equals is a prerequisite.
- Construction site waste management equals is a prerequisite.
- Construction site waste management at 75 percent or above diverted equals one to two points.
- Reuse of interior partitions non-structural elements equals one point.
- Rapidly renewable materials and organically grown materials equals one point;

Indoor Environmental Quality:

- Six existing criteria are set forth in different order.
- Minimum requirements for minimum HVAC and construction indoor environmental quality equals is a prerequisite.
- Minimum requirements for thermal comfort and moisture control is a prerequisite.
- Minimum requirements for minimum filtration is a prerequisite.
- Enhanced fFiltration equals one point.
- Mercury reduction equals one point.
- Minimum acoustical performance equals is a prerequisite and equals two points.
- American Society of Heating, Refrigerating and Air-Conditioning Engineers 55-code compliance equals prerequisite.
- The titles of the applicable California CHPS criteria are clarified as the “2002 CA-CHPS Criteria,” “2006 CA-CHPS Criteria,” and “2009 CA-CHPS Criteria.”
- For those projects accepted by the DSA utilizing the 2009 CA-CHPS Criteria, in which the level of high performance attained as concurred by the DSA is a minimum of 27 points, the Board shall provide \$150,000 one time per school site as a High Performance Base Incentive Grant. In addition, the New Construction Grant will be multiplied by:
 - 2.35 percent at 27 points; or
 - 2.59 percent at 28 points plus 0.24 percent for each point attained from 29 through 33 points; or

- Four percent at 34 points plus 0.36 percent for each point attained from 35 through 47 points; or
- 9.05 percent at 48 points plus 0.060 percent for each point attained from 49 through 90 points.
- Any funds apportioned pursuant to this Section shall be expended only on high performance related costs (and components as approved by the OPSC).

Existing Regulation Section 1859.77.4 sets forth criteria based upon the High Performance Rating Criteria point system with review/approval by the Division of the State Architect (DSA), to provide qualifying school districts a percentage increase in their new construction addition project or modernization project grants for meeting the point value threshold. The proposed amendments make the following changes:

- The titles of the applicable California CHPS criteria are clarified as the “2002 CA–CHPS Criteria,” “2006 CA–CHPS Criteria,” and “2009 CA–CHPS Criteria.”
- For those projects accepted by the DSA utilizing the 2009 CA–CHPS Criteria, in which the level of high performance attained as concurred by the DSA is a minimum of 20 points, the Board shall provide \$250,000 one time per school site as a High Performance Base Incentive Grant. In addition, the New Construction or Modernization Grant, as appropriate will be multiplied by:
 - 2.18 percent at 20 points plus 0.025 percent for each point attained from 21 through 26 points; or
 - 2.35 percent at 27 points plus 0.24 percent for each point attained from 28 through 33 points; or
 - Four percent at 34 points plus 0.36 percent for each point attained from 35 through 47 points; or
 - 9.05 percent at 48 points plus 0.060 percent for each point attained from 49 through 84.
- Any funds apportioned pursuant to this Section shall be expended only on high performance related costs (and components as approved by the OPSC).

Existing Regulation Section 1859.81.1 specifies that school districts meeting financial hardship criteria are eligible for a separate apportionment for site acquisition and design costs. The proposed amendments will add to this separate apportionment:

- \$150,000 for new school projects and \$250,000 for new construction addition projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section; and
- \$250,000 for modernization projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section.

In addition, Sections “1859.71.6” and “1859.77.4” are added to other Section numbers in referring to the amount of the district’s New Construction Adjusted Grant or Modernization Adjusted Grant.

Existing Regulation Section 1859.104 sets forth the program reporting requirements for school districts receiving SFP funds, including progress reports and expenditure reports. The proposed amendment requires school districts receiving HPI Grants to submit a Project Information Worksheet (PIW) reporting all expenditures related to the additional design and construction costs of the high performance building components, and to provide information related to resulting energy savings and efficiency, as well as other resulting benefits. The proposed amendments will require the PIW to be submitted with the Form SAB 50–05, and with the District’s first and final Form SAB 50–06 pursuant to Section 1859.104(a)(1) and (2).

Existing Form SAB 50–04, *Application for Funding*, is submitted by school districts to apply for State funding for new construction or modernization projects. The proposed amendments:

- add project categories of “Design Only — New Construction with High Performance” and “Design Only — Modernization with High Performance;”
- clarify for purposes of Certification No. 22 that the High Performance Base Incentive Grant is not part of the “total grant amount” when determining whether the work in a submitted project is at least 60 percent of the total grant amount;
- clarify for purposes of Certification No. 22 that a New Construction Grant request does not include Overcrowding Relief Grant; and
- add in Certification No. 23 the requirement that the school district governing board must have a resolution on file that demonstrates support for the HPI grant and intent to incorporate HPI features in their projects.

Existing PIW is submitted by school districts to report new construction project costs at the times of requesting SFP fund release (Form SAB 50-05) and upon submitting their Expenditure Report (Form SAB 50-06) for the purpose of the SAB analyzing the current costs to build schools and making an additional adjustment of the new construction per-unhoused pupil grant amount not to exceed six percent in a fiscal year, as authorized by Assembly Bill 127, Chapter 35, Statutes of 2006 (Perata/Nunez). The proposed amendments provide direction to school districts for completing specific areas of the form when requests have been submitted for HPI grant funding. The form was amended to collect HPI information in order for the OPSC to ensure that the HPI grant funds are being expended on HPI-related components in SFP new construction projects.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.

- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than November 29, 2010, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator
Mailing Address: Office of Public School
Construction
707 Third Street, Room 1-430
West Sacramento, CA 95605
E-mail Address: robert.young@dgs.ca.gov
Fax No.: (916) 376-5332

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375-5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no rea-

sonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 4. CALIFORNIA STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
Evergreen Hearing Room
2005 Evergreen Street
Sacramento, California 95815
Monday, November 29, 2010, at 1:00 p.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office **not later than 5:00 p.m. on November 29, 2010 or must be received by the commission at the hearing**. The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 18611 and 18817 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, 18641, 18653, 18706, 18714, 18725, 18728, 18817, and 18822 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

1. Amend section 208. Rule 208 currently requires anyone that submits an application for license to conduct or operate a professional boxing gymnasium to submit with the application an annual license application fee of \$10 and indicates that every such license expires on December 31, 2010.

This proposed amendment would increase the annual application fee to \$100 as well as reflect all such licenses will now expire one year from the date issued.

2. Amend section 323. Rule 323 currently describes the restrictions imposed on the materials used and includes guidelines that must be adhered to when applying bandages to the contestant's hands. Industry experts more commonly refer to the bandages placed on the hands of the combatants as hand wraps.

This proposed amendment would revise the language to meet the current industry standard in regards to reference (hand wraps); application technique guidelines; would increase the amount of adhesive tape that can be used from 10 yards to 20 yards for each hand; and change some of the language to eliminate confusion caused by the current language used to refer to the materials allowed from bandages, surgeons adhesive tape, soft surgical bandage, and tape to bandages, adhesive tape, gauze and tape. The proposed language would also indicate that the type of adhesive tape used to wrap hands is subject to the commission's prior written approval by the Executive Officer or his assigned commission representative if it is not included on the commission's list of approved types of adhesive tape that may be used.

3. Amend section 399. Currently, Rule 399 delineates procedures the commission must follow when a license is denied or revoked.

This proposed amendment would add language to clarify the requirements that must be used, on a case by case basis, to evaluate an applicant who has been denied an application for a license and states that such applicant may not file a similar application until one year from the date of the last previous denial by the commission.

4. Adopt section 511. Unlike Rule 264 that establishes a 26 round minimum and a 40 round maximum for any one boxing card, there is no rule that specifies the minimum and maximum number of rounds a promoter must adhere to when conducting a mixed martial arts or kickboxing event.

The adoption of the proposed Rule 511 would establish 21 rounds as the minimum and 36 rounds as the maximum number of rounds, except with the approval of the commission for any one program, that a promoter

must adhere to when scheduling bouts for an arranged card; would require the promoter to provide a standby bout in the event the card breaks down and it is needed to meet the minimum 21 rounds established by the adoption of the proposed language of Rule 511. The proposed Rule 511 would also address the need to ensure commission staff and inspectors have minimum and maximum guidelines to follow and a written rule upon which to rely when approving the number of rounds for a mixed martial arts or kickboxing card.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

and

The following studies/relevant data were relied upon in making the above determination: Industry Standards, and survey of selected trainers, managers and cut men that apply hand wraps and are considered some of the best in the industry.

Impact on Jobs/New Businesses:

The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

No reasonable alternative was identified.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission, 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **or by accessing the website listed below.**

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Sal Barajas
Address: 2005 Evergreen Street
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail Address: Sal.Barajas@dca.ca.gov

The backup contact person is:

Name: Dale Chessey
Address: 2005 Evergreen Street
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail Address: Dale.Chessey@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS OFFICE OF SELF INSURANCE PLANS

NOTICE OF RULEMAKING

Workers' Compensation — Self Insurance Regulations (Title 8, California Code of Regulations, Sections 15201, 15214, 15251, 15300, 15400.2, 15405, 15430.1, 15478, 15481 and 15484)

PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Director of the Department of Industrial Relations proposes to adopt, amend, and repeal regulations to implement the provisions of Labor Code Sections 3700, 3701, 3702, 3702.2, and 3702.8 of the California Labor Code regarding the administration of Self Insurance Plans described below after considering all comments, objections and recommendations regarding the proposed action.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Existing Section 3702.10 of the Labor Code authorizes the Director of Industrial Relations to adopt, amend, and repeal regulations reasonably necessary to carry out the purposes of Labor Code Sections 3700, 3701, 3702, 3702.2, and 3702.8 of the California Labor Code. Existing Labor Code Section 3700 requires every

employer except the state to secure the payment of compensation by either being insured against liability to pay compensation by one or more insurers or by securing from the Director of Industrial Relations a certificate of consent to self-insure, either as an individual employer or as one employer in a group of employers. Existing Labor Code Section 3701 requires private self-insuring employers, including groups of self-insuring employers, to post security deposits with the Department of Industrial Relations. Existing Section 3702 establishes cause for the Director of Industrial Relations to revoke consent to self-insure. Existing Labor Code Section 3702.2 requires each self-insured employer to file a self-insurer's annual report to enable the director to determine the amount of security deposit required by Section 3701. Existing Labor Code Section 3702.8 establishes obligations of employers who have ceased to be self-insured.

The Department of Industrial Relations proposes to amend existing Chapter 8, Subchapter 2, Article 1, Section 15201, Article 3, Section 15214, Article 5, Section 15251, Article 6, Section 15300, Article 9 Sections 15400.2 and 15405, Article 13, Sections 15478, 15481 and 15484 in Title 8 of the California Code of Regulations.

The affected articles of Chapter 8, Subchapter 2 define terms in Article 9, set requirements for providing financial information of any self insurer needed to determine and set deposit assessments for self insured employers participating in the alternative composite deposit program.

PUBLIC HEARING

The Department has not scheduled a formal public hearing on this proposed action. However, the Director will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Office of Self Insurance Plans. The written comment period closes November 29, 2010. The Department will consider only comments post marked or received at the Office of Self Insurance Plans by that date. Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

James A. Ware, Chief
Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825

AUTHORITY AND REFERENCE

Labor Code Sections 55 and 3702.10, authorize the Director of Industrial Relations to adopt, amend, and repeal regulations which would implement and make specific the provisions of Chapter 2 of Division 1 of the California Labor Code and to carry out the purposes of Article 1 (commencing with Section 3700) Article 2 (commencing with Section 3710) and Article 2.5 (commencing with Section 3740.2) of the California Labor Code.

Article 1

Existing Section 15201 contains definitions of terms contained in Articles 2 through 13, dealing with self insurance of workers' compensation liabilities. The proposed amendment to 15201(cc) is needed for clarifying the definition of a medical only claim.

Article 3

Existing Section 15214 provides that a self insured employer can post cash in the form of a corporate check, cashier's check, certificate check or money order, made payable to Department of Industrial Relations In Trust for, the legal name of the self insured employer.

One of the methods of security deposit a self-insured employer can post to secure their self-insured workers' compensation liabilities is with cash which could then be placed into an interest bearing savings account or into a Certificate of Deposit (CD) not to exceed a one (1) year term. If in form of CD, the original CD is held at the bank or financial institution in which the CD was purchased. A receipt showing evidence of the CD, its terms and amount is provided to the OSIP. After the CD receipt is received from the bank by OSIP an Approval of Certificate of Deposit and Authorization to State Treasurer is prepared (which basically shows the self-insured employer's name, the terms of the certificate and the amount) and sent to the State Treasurer's Office (STO) wherein it is recorded and a receipt is then generated by the STO and sent back to the OSIP.

The STO bills OSIP for being the "custodian" of the CD even though the Treasurer does not actually hold a certificate. The charges to the OSIP are determined by the number of CD documents created during a quarter for each account which is then divided by the number of documents created by all accounts to arrive at a weighted percentage. This weighted percentage is then multiplied by 1/4 of the treasurer's section yearly budget to arrive at the quarterly amount invoiced to the OSIP. The average yearly cost is approximately \$45,000.

Existing regulations require the State Treasurers' Office to be the custodian of CD's even though they do not hold the original certificate. The proposed amendment provides that the bank or financial institution issuing the certificate and holding the original certificate to be the custodian at the expense of the self-insurer and not at the expense of the Office of Self-Insurance Plans, thereby eliminating unnecessary expense incurred by OSIP for the STO to be the custodian. The Office of Self-Insurance Plans will continue to maintain internal documentary evidence of such deposits as was done when such deposits were held by the STO.

The proposed amendment to the regulation replaces the term "passbooks" with "savings account," allows for certificates of deposit to be issued by credit unions that meet the standards contained in Section 15215, and changes the current manner on how cash is processed by the Department of Industrial Relations, Office of Self-Insurance Plans when received from private self-insured employers for their security deposit posting. The bank or financial institution holding the Certificate of Deposit will be the "custodian" instead of the STO, and the OSIP will maintain documentary evidence of the deposit. The proposed changes also allow for "brokered" Certificates of Deposit as another form of security deposit, in addition to regular Certificates of Deposit (referenced by banks and financial institutions as "callable" Certificates of Deposit).

Article 5

Existing Section 15251 specifies the reporting requirements and when public and private self insured employers are required to file with the Office of Self Insurance Plans (SIP) within Department of Industrial Relations.

Existing Section 15251(b)(1)(f) provides that employment and wages paid in calendar in the calendar year as reported on the Employment Development Department on the employers Form DE-6 be reported on the Self Insurer's Annual Report.

Existing Section 15251(c)(1)(f) provides that employment and wages paid in calendar in the fiscal year as reported on the Employment Development Department on the employers Form DE-6 be reported on the Self Insurer's Annual Report.

The proposed amendments would also permit the use of any other equivalent EDD employment and wage reporting document applicable to the self insured employer. This clarification is necessary as all public self insurers and some private self insurers do not utilize the DE-6 form and must utilize other EDD required reporting forms. In addition, some larger public agencies and joint powers authority (JPA) self insurers submit required employment and wage information to EDD by downloading specified information electronically, so

that technically no "form" is filed in hard copy at all. Subsection (c)(1)(F) is therefore being editorially revised to correct this oversight and allows the annual report information on employment and wages to come from whatever EDD reporting is utilized or required of the self insured by EDD.

Article 6

Existing Article 6 contains four regulatory sections, Section 15300-15303, which address estimating and reporting of work injury claims; revision of estimates; medical reports; and medical, surgical, hospital contracts, respectively. The Workers' Compensation Insurance Rating Bureau has proposed changes in the medical component reporting requirements for workers' compensation insurance carriers with respect to the reporting of medical cost containment programs effective January 1, 2011, that would be applicable to all workers' compensation insurance carriers, but would not be applicable to self insured employers. The amendments proposed to Section 15300 would make corresponding revisions for the reporting of the medical component expenses by excluding fees for bill review services and utilization review services along with self imposed increases, interest payments or MSA evaluation fees reported on the Self Insurer's Annual Report applicable to self insured employers. The proposed revisions would make the expense of medical and/or utilization cost containment programs an allocated or unallocated expense item depending upon whether or not the expense was related to a particular claim. Medical cost containment program costs are broadly categorized as bill audit expenses for any medical service rendered, hospital and other treatment utilization reviews, and/or access fees and other expenses incurred with respect to managed care reviews. By making the proposed changes, both workers' compensation insurance carriers and self insured employers would report the medical component of work injury claims in the same manner, providing for consistency and clarity in the reporting of medical costs of workers' compensation claims.

Article 9

Existing Section 15400.2 requires all claim files be kept and maintained for at least five years from the date of injury or date that benefits are last provided, whichever is later, and indicates that claims may be closed two years after benefits are last provided and that inactive and closed claim files may be microfilmed and original paper files shall be maintained for at least two years after the claim has been closed or becomes inactive. The proposed amendment to this section would allow for claims files to include electronic storage.

Existing Section 15405 addresses confidentiality of financial information of self insured employers submitted to the Director or Manager, including data re-

lated to an employer's solvency and to its claim liabilities, and lists exceptions related to data needed by the Self Insurers' Security Fund on employers that have defaulted on their liabilities, audit reports submitted to the Division of Workers' Compensation, and information required by subpoena or court order. This section is amended to also provide Self Insurers' Security Fund financial information to include actuarial report of any group self insurer so that Self Insurers' Security Fund can determine if the group self insurer can participate in the alternative security system.

Article 11. Hearings and Appeal Procedures

Existing Section 15430 is the first section in Article 11 of self insurance regulations that discusses self insurance matters that the Director may investigate or that may result in hearings.

Existing Section 15430.1 addresses definitions used in Article 11. This subsection is amended to clarify the definition of who the custodian for cash deposits and approved securities are, to clarify the definition of an aggrieved party and to typographically fix Appeal a Board to read as Appeals Board.

Article 13

Existing subsection 15478 addresses the requirements for excess insurance for group self insurers. Existing subsection (a) requires all group self insurers to have and maintain a specific excess workers' compensation insurance policy from a California admitted carrier admitted to transact business in California by the Department of Insurance, and requires that the excess policy not have a minimum retention level above \$500,000. Existing subsection (a) also provides that the policy may not be cancelled or "non renewed" without prior written notice to the Manager and to the group self insurer at least 30 days in advance. The proposed amendment is also necessary to allow the Manager to take market conditions into account when and if policies with \$500,000 retention become unavailable or too costly for the level of protection provided. The subsection (b) is amended to include the word "no" which was inadvertently left out because the upper limit of the policy requirement is no less than twenty-five million (\$25,000,000).

Existing Section 15481(a) requires each group self insurer ". . . at least annually. . ." to ". . . have an actuarial analysis done of its historical loss development and a projection of anticipated loss development. . . ." The section specifies requirements for the actuary performing the study. In practice, group self insurers obtain actuarial studies no less frequently than annually, and often as frequently as semi-annually or quarterly. As well as projecting losses for the current year, the actuarial reports include projected ultimate costs for years past, thus projecting loss development

from year to year. Most group self insurers add and lose members every year, and loss experience changes with the numbers of employers and employees covered, the frequency and severity of injuries, and changes to compensation rates required by law. Projected losses, and the contribution rates necessary to generate funds to pay for those losses, are more likely to be inaccurate the less frequently actuarial studies are conducted. For past years, costs on individual claims may change substantially as injured workers' injuries require more or less treatment or other costs than initially estimated.

Existing subsection (b) requires the analysis and results of the study to be presented to the group self insurer's Board of Trustees and to any group member requesting a copy, and requires the study to ". . . be commenced immediately following the close of program year. . ." with ". . . the written report presented to the Board of Trustees." Subsection (b) is amended to change the required 90 days that the report is to be submitted to the Board of Trustees to 75 days after the end of the group self insurer's program year. This change is necessary in order to allow sufficient time after the end of the program year to complete the study.

Existing subsection (c) requires the written report to be presented to the Manager by March 1 of each year that it is required and requires a written actuarial report to be submitted no later than 120 days after end of the group self insurer's program year. This section is amended to change the requirement from 120 days to 90 days. This change is necessary in order to allow sufficient time to make sure the groups are financially stable.

Existing Section 15484 requires group self insurers to annually submit a certified, independently audited financial statement and that the financial statement shall be prepared according to Generally Accepted Auditing Principles (GAAP) and shall be submitted by July 1 following the end of the program year. This section is amended to change the submission date to March 1st because it is crucial that the Manager be able to ascertain the financial stability of the group self insurer at least annually in order to determine if assets exceed liabilities so that surplus funds may be released pursuant to amended Section 15477. In order to make that determination, the Manager must be able to look at a financial statement that is guaranteed to be conducted independently, and in according to standard audit procedures. In addition, the Manager must be able to fully evaluate a group's expenses in order to address any corrective action that may be needed in the event the group self insurer is experiencing financial instability. This itemization in the financial statement is necessary in order to fully evaluate the group's performance.

A new subsection (i) is added to require that the Group Administrator on March 1st of each year to file with Office of Self Insurance Plans the budget plan for

the group's current year along with the rates of contribution, and a new subsection (j) is added to require any change in the rates of contribution from members as indicated in section (i)(1) through (3) be filed within 30 days of such change. This change is necessary in order to allow a prospective view of the financial capacity of a group. Financial reports are retrospective. The larger problem with groups in deficit is not having sufficient contribution. These documents will allow SIP to monitor groups earlier and be more proactive in preventing deficits.

Disclosures Regarding the Proposed Action

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate

The Director of Industrial Relations has determined that the proposed regulations do not impose a mandate on local agencies or school districts or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California constitution."

Cost or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or schools are required to be reimbursed in accordance with Government Code Sections 17500 through 17630.

Other Non-discretionary Costs or Savings Imposed on Local Agencies or School Districts

This proposal does not impose non-discretionary costs or savings imposed on local agencies or school districts.

Costs or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Individual group self insurers may find the new security deposit requirements to be slightly higher than

current requirements, but the increased costs are necessary to ensure that the security deposits posted for group self insurers are adequate to cover their liabilities.

Impact on Business

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

Small Business Impact

This regulation will have no adverse impact on small business, but, to the contrary, is likely to have a positive impact on small businesses by allowing them to participate in group self insurance without incurring the unnecessary costs of obtaining reviewed financial statements for their business in instances where the group self insurer has already qualified financially to self insure. Increases in application fees are minimal and are off-set by the elimination of pro-rata first year annual license fees.

Assessment of Job/Business Creation or Elimination

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Director must determine that no reasonable alternative has been considered by the agency or has otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. No reasonable alternative has been brought to the attention of the Director that would be less effective or less burdensome to affected persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the Regulations Coordinator named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, the proposed text of the regulations, pre-rulemaking and the Form 399.

In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at <http://www.dir.ca.gov/SIP/>. To access them, click on the "Proposed Regulations — Rulemaking" link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Office of Self Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento, California 95825, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the Regulations Coordinator.

CONTACT PERSON FOR GENERAL QUESTIONS

Non-substantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Tina Freese
Workers' Compensation Compliance Officer/
Regulations Coordinator
Department of Industrial Relations
Office of Self Insurance Plans
2265 Watt Avenue, Ste 1
Sacramento, CA 95825
E-mail: tfreese@dir.ca.gov

The telephone number of the contact person is (916) 574-0737.

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person above is unavailable, or for questions regarding the substance of the proposed regulations, inquiries should be directed to:

James A. Ware
Chief
Department of Industrial Relations
Office of Self Insurance Plans
2265 Watt Avenue, Ste 1
Sacramento, CA 95825
E-mail: jware@dir.ca.gov

The telephone number of this contact person is (916) 574-0300.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations with any final amendments will appear in Title 8 of the California Code of Regulations, commencing with section 1. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Agency has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Office of Self Insurance Plans at 2265 Watt Avenue, Suite 1, Sacramento, California 95825 during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Director of the Department may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Director regarding this proposal, the Director may determine that changes to the proposed regulation are appropriate. If the Director makes substantive modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Director adopts the regulations as revised. Please send requests for copies of any modi-

fied regulations to the attention of Tina Freese at the above address. The Department will accept further written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Department is required to prepare a Final Statement of Reasons. Once the Department has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Department Contact Person identified in this Notice.

DEPARTMENT INTERNET WEBSITE

The Department maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://sip.dir.ca.gov>.

TITLE 9. DEPARTMENT OF MENTAL HEALTH

Mental Health Services Act Capital Facilities Outlay Notice published: October 15, 2010

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Mental Health ("Department") is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a public hearing starting at 10:00 a.m. on December 6, 2010, at the California Department of Water Resources Auditorium located at 1416 9th Street, 1st Floor in Sacramento, California. The Auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testi-

mony at the hearing. The hearing will end when all comments have been received or at 5:00 p.m. whichever comes first.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted by facsimile (FAX) at 916-651-3852 or by e-mail to DMH.Regulations@dmh.ca.gov. The written comment period closes at **5:00 p.m. on December 6, 2010**. The Department will consider only comments received at the Department offices or at the public hearing, by that time. Submit comments to:

Stephanie L. Fields
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 5898 and 5847(a)(5) of the Welfare and Institutions Code, the Department of Mental Health (Department) is seeking changes to:

Title 9, Division 1, Chapter 14 of the California Code of Regulations as follows: Adopt Article 2, Sections 3200.025, 3200.026, 3200.257, and Article 7, Sections 3700, 3710, 3712, 3714, 3725, 3730, 3740, 3745, 3750, 3755, and 3760. Amend Article 3, Section 3310, Article 4, Section 3400 and Article 5, Sections 3500 and 3505.

This proposed action implements, interprets, and makes specific Sections 5610, 5820, 5830, 5846, 5847, 5848, 5892, and 5897, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the Capital Facilities/Technological Needs component of the Mental Health Services Act (MHSA) and will enable counties to transform California's mental health system. The Capital Facilities and Technological Needs component will allow for the development of a variety of technology uses and strategies and/or of community-based facilities which support integrated service experiences that are culturally and linguistically appropriate. Funds may also be used to support an increase in peer-support and consumer-run facilities, development of community-based, less restrictive settings that will reduce the need for incarceration or institutional-

ization and the development of a technological infrastructure for the mental health system to facilitate quality, cost-effective services and support for clients and their families.

The California voters approved Proposition 63 during the November 2004 General Election. Proposition 63 became effective on January 1, 2005 as the Mental Health Services Act (MHSA). The MHSA expands mental health services to children/youth, adults and older adults who have serious mental illness or serious emotional disturbance and whose service needs are not being met through other funding sources. Through imposition of a 1% tax on personal income in excess of \$1 million, the MHSA provides the opportunity for the Department of Mental Health (DMH) to offer increased funding, personnel and resources to support county mental health programs and monitor progress toward statewide goals for children/youth, adults, older adults and families.

The MHSA directs the county mental health programs to develop and submit a three-year plan to DMH, which DMH has called the Three-Year Program and Expenditure Plan (Plan). The Plan is comprised of five components of activities and/or services for which the funding established under the MHSA can be spent. The components are Community Services and Supports for children, transition-age youth, adults and older adults; Capital Facilities and Technological Needs; Workforce Education and Training; Prevention and Early Intervention; and Innovative Programs.

Given the scale of each component, DMH is implementing each component on a sequential and/or phased-in approach. Accordingly, regulations related to each component are being drafted through a concurrent process as the MHSA components are developed. The Department drafted regulations governing the Community Services and Supports first and these were made final in February 2008. Since it was imperative that the Department begin to distribute funds to the Counties to allow the programs and services to commence, the Department included in this initial regulatory package fiscal reporting requirements and implemented regulations based on its authority in the law and its current accounting system.

Unlike the other components (Community Services and Supports and Workforce Education and Training), the Capital Facilities and Technological Needs component is divided into two distinct segments: Capital Facilities segment and Technological Needs segment. This division is necessary as the two elements of the Capital Facilities and Technological Needs component are so distinct that separate regulations are being promulgated for each element. This regulation package includes section 3710 which are the regulations that are applicable to the Capital Facilities and Technological Needs com-

ponent. These regulations are included as the information contained in section 3710 is relevant to the Capital Facilities segment (also contained in this package as sections 3712 through 3760).

Changes to the General Requirements contained in Article 3, Funding Provisions in Article 4 and Reporting Requirements in Article 5 are also contained in this proposed regulation package. These changes, which are explained in the Initial Statement of Reasons, are non-substantive and consist primarily of formatting and/or relocating existing regulations.

This Informative Digest accompanies the proposed regulations to adopt 14 regulations and amend four regulations, located in the California Code of Regulations Title 9, Division 1, Chapter 14, Article 2, Definitions, Article 3, General Requirements, Article 4, Funding Provisions, Article 5, Reporting Requirements, and Article 7, Capital Facilities and Technological Needs.

MATERIAL INCORPORATED BY REFERENCE

Supporting documentation and relevant materials the Department relied upon in the Initial Statement of Reasons and/or the Informative Digest include:

- a. DMH Information Notice 08-09 — Mental Health Services Act Capital Facilities and Technological Needs Component — Three-Year Program and Expenditure Plan Guidelines
 - Enclosure 1 ~ Proposed Guidelines for Completing the Capital Facilities and Technological Needs Component Proposal of the County's Three-Year Program and Expenditure Plan
 - Enclosure 2 ~ Capital Facilities Project Proposal Proposed Guidelines for the County's Three-Year Program and Expenditure Plan
 - Enclosure 3 ~ Guidelines for Completing the Technological Needs Project Proposal for the County's Three-Year Program and Expenditure Plan
- b. Mental Health Services Act, Proposition 63 (November 2004)

THE DEPARTMENT HAS MADE THE FOLLOWING INITIAL DETERMINATIONS

DMH has determined that the regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Counties may choose to participate in the Capital Facilities segment of the Capital Facilities and Technological Needs component; it is not a mandatory

activity. If a county chooses to participate in this segment, the State will provide funding to the county based on its approved Three-Year Program and Expenditure Plan.

- Mandate on local agencies and school districts: **None.**
- Cost or savings to any state agency: **None.**
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: **None.**
- Other nondiscretionary cost or savings imposed on local agencies: **None.**
- Cost or savings in federal funding to the state: **None.**
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: These regulations only affect those County Mental Health Departments that choose to participate in the Capital Facilities segment of the Capital Facilities and Technological Needs component.
- Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. These regulations **only** affect those County Mental Health Departments that choose to participate in the Capital Facilities segment of the Capital Facilities and Technological Needs component.
- Significant effect on housing costs: **None.**
- Small Business Determination: The Department is not aware of any cost impacts that a small business would necessarily incur in reasonable compliance with the proposed action. These regulations **only** affect those County Mental Health Departments that choose to participate in the Capital Facilities segment of the Capital Facilities and Technological Needs component.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of business currently doing business within California.

CONSIDERATION OF ALTERNATIVES — CONSIDERED BY THE DEPARTMENT

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must de-

termine that no reasonable alternative that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Stephanie L. Fields
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

Backup Contact:

Alice Lee
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 654-2319

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, or other information upon which the rulemaking is based to Ms. Fields at the above address. Comments may also be submitted by facsimile (FAX) at (916) 651-3852 or by e-mail to DMH.Regulations@dmh.ca.gov. Comments must be submitted prior to **5:00 p.m. on December 6, 2010**.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has available the rulemaking file for inspection and copying at its office at 1600 9th Street room 435, Sacramento, CA 95814. As of the date this notice as published in the Notice Register, the rulemaking file consists of copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based. These documents may also be viewed and downloaded from the Department's website at www.dmh.ca.gov.

Following the public comment period the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original

text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be viewed and downloaded from the Department's website at www.dmh.ca.gov or by contacting Ms. Fields at the above address.

TITLE 10. DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, California 95814

REG-2010-00011

October 5, 2010

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that the Insurance Commissioner proposes to amend Section 2632.13 of Subchapter 4.5, Title 10, of the California Code of Regulations.

AUTHORITY AND REFERENCE

The Commissioner proposes to amend the regulation under the express authority of California Insurance Code Sections 791.10, 1861.02, 1861.025, 12921 and 12926 as well as *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989) and *20th Century ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). The proposed regulations will implement, interpret and make specific the provisions of California Insurance Code Sections 488, 488.5, 1861.02 and 1861.025 and California Vehicle Code Section 12810.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present

statements or arguments, either orally or in writing, with respect to this regulation, as follows:

Date and time: November 29, 2010 at 10:00 a.m.

Location: Employment Development
Department
Auditorium (first door on the
right)
722 Capitol Mall
Sacramento, CA 95814

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to present oral and/or written comments at the hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Lisbeth Landsman-Smith, Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3561
E-mail: landsmanl@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

Bruce Patton
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3560

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at her address listed above, no later than 5:00 p.m. on November 29, 2010. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: landsmanl@insurance.ca.gov. The Commissioner will also accept written comments

transmitted by facsimile provided they are directed to the attention of the contact person for this proceeding using the following facsimile number: (916) 324-1883. **Comments shall be transmitted by one method only and are subject to the deadline set forth above for written comments. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Person with sight or hearing impairments are requested to notify the contact person for this hearing in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with Insurance Code Section 10089.11(c) and the provisions of Subchapter 4.9, Title 10, California Code of Regulations, in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street, 21st Floor
San Francisco, California 94105
(415) 538-4190

A copy of any written materials submitted to the Public Advisor regarding this rulemaking shall also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 103, approved by California voters in 1988, requires that insurance rate changes be subject to the prior approval of the Insurance Commissioner (the "Commissioner") and sets forth the means by which automobile insurance rates and premiums are to be determined. In addition, Proposition 103 makes every person who qualifies as a "good driver" eligible to purchase a Good Driver Discount policy from the insurer of his or

her choice (Insurance Code Sections 1861.02(b), 1861.025).

Insurance Code Section 1861.025 (b)(1)(A) excludes a driver from eligibility for a Good Driver Discount policy who, in the previous three years, has more than one point counted against him or her due to various traffic code violations and accidents that resulted only in damage to property for which he or she is "principally at fault." Insurance Code Section 1861.025(c)(3) excludes a driver from eligibility who, in the previous three years, was involved in an accident that resulted in the bodily injury or death of any person for which he or she is "principally at fault."

In addition, Insurance Code Section 1861.02 establishes three mandatory rating factors that insurers must use to set rates, the first being the "insured's driving safety record." Section 2632.5 of Title 10 of the California Code of Regulations defines the "insured's driving safety record" as the insured's motor vehicle traffic conviction record and the insured's history of "principally at fault" accidents.

The guidelines for determining whether a driver is "principally at fault" for an accident and for determining a driver's eligibility for a Good Driver Discount policy are found in Section 2632.13 of Title 10 of the California Code of Regulations (hereinafter "Section 2632.13").

Since its last amendment, insurers, consumer advocates, and Department of Insurance (the "Department") staff have observed numerous problems with the interpretation and implementation of Section 2632.13. On September 3, 2010, the Department held a workshop to discuss improvements to the regulation. After considering comments received by workshop participants, the Commissioner proposes amending Section 2632.13 to clarify and update its provisions.

The proposed amendments are as follows:

First, the regulation is split into Sections 2632.13 and 2632.13.1, the former devoted to the principally at-fault determination and the latter devoted to the determination of eligibility for a Good Driver Discount policy. Titles were given accordingly.

Section 2632.13 is reorganized and amended to make it simpler and easier to follow:

Subsection (a) is amended to clarify the purpose of the regulation.

Subsection (b) is amended to clarify the definition of a "principally at-fault" accident. It is updated to be consistent with *Mitchell v. Gonzales* (1991) 54 Cal.3d 1041. In addition, the regulation is amended to replace the "damage to any one person" standard with "total loss or damage." Finally, the regulation is amended to adjust the threshold amount of property damage required for a finding that a driver is principally at-fault for an accident upwards to \$1000.

Subsection (c) is amended to create rebuttable presumptions out of the exceptions to the principally at-fault determination.

Subsection (d) is amended to clarify that the presumption relating to Insurance Code Section 488.5 shall be conclusive.

Subsection (e) is amended to clarify the procedure that a driver's insurer at the time of an accident must follow to determine that the driver is principally at-fault for the accident. A requirement for the insurer to state the basis of a determination that an injury or death occurred was added.

Subsection (f) is amended to clarify the procedure that any subsequent insurer of a driver/applicant must follow to determine that the driver was principally at-fault for an accident. Subsection (f)(2) is added to clarify that data from a subscribing loss underwriting exchange carrier cannot be solely relied upon if it does not provide enough information to ascertain whether a driver is principally at-fault for an accident as required by Subsection (b).

Subsection (g) is amended by moving driver's declaration requirements to Subsection (f) and by clarifying the acceptable and unacceptable uses of a DMV motor vehicle report to determine that a driver is principally at-fault for an accident.

Subsection (h) is re-lettered (i) and new Subsection (h) clarifies the additional permissible uses of data obtained from a subscribing loss underwriting exchange carrier.

Subsection (i) (previously (h)) is amended to clarify the type of information that insurers must disclose to each other, when an inquiry is made.

Subsection (j) is added to clarify the course of action an insurer may take when a driver/applicant does not provide requested information.

Section 2632.13.1 is added to clarify how an insurer may determine a driver's eligibility for a Good Driver Discount policy. That portion of the existing Section 2632.13 that concerns eligibility for a Good Driver has been moved here.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

OTHER STATUTORY REQUIREMENTS

There are no other specific statutory requirements applicable to the proposed regulations.

The Commissioner has made the following initial determinations:

Mandates On Local Agencies Or School Districts — Regulatory action imposed herein will result in no program mandates on local agencies or school districts.

Fiscal Impact — The regulations will involve no costs or savings to any State agency, no reimbursable costs to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no nondiscretionary costs or savings to local agencies, and no costs or savings in federal funding to the State.

Impact On Housing Costs — The proposed regulations will have no significant effect on housing costs.

Economic Impact On Businesses — The proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because it amends existing insurance regulations.

Cost Impact On Private Persons Or Entities/Businesses — Other than the cost impact incurred under the existing regulations, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment Regarding Effect on Jobs/Businesses — Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Impact On Small Business — The proposed regulations will only affect insurance companies and will therefore not affect small business. Pursuant to Government Code Section 11342.610(b)(2), insurers are not small businesses.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Commissioner invites public comment on alternatives to this regulation.

TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed

action. The Commissioner also has available all the information upon which this proposed action is based as well as the express terms of the proposed action. The initial statement of reasons and the text of the proposed amendment are available on the Department's website and may be accessed as explained below.

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above, which currently includes this notice, the proposed text of the regulation, and the initial statement of reasons. Requests for inspection and copying should be directed to the contact person listed above. The final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should also be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulation, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find, at the right hand side of the page "Quick Links." The third item in this column under this heading is "For Insurers"; on the drop-down menu for this item, select "Legal Information." When the "Insurers: Legal Information" screen appears, click the third item in the list of bulleted items near the top of the page: "Proposed Regulations." The "Insurers: Proposed Regulations" screen will be displayed. Select the only available link: "Search for Proposed Regulations." Then, when the "Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG-2010-00011" (the Department's regulation file number for this regulation) in the search field. Alternatively, search by keywords ("principally at fault," for example, or "Good Driver Discount"). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Currently Proposed Regulations" link. A list of the names of regulations for which documents are posted will appear.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposed text are appropriate. If the Commissioner makes changes that are sufficiently related to the original proposed text, copies of the changed text will be made available to the public for at least 15 days before the Commissioner adopts the regulation as modified. Please send requests for copies of any changed text to the Contact Person listed above. Copies of the changed text will automatically be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. The Commissioner will accept written comments concerning the changes only, for a period of at least 15 days after the date on which the changed text is made available.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 2005 Evergreen Street, Sacramento, CA 95815 at 9:00 a.m., or as soon as practicable thereafter, on December 3, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on November 29, 2010, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2915 and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 29, 2915, 2915.7, 2984, 2986 & 2988 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires a licensed psychologist, as a condition for active renewal, to obtain 36 hours of continuing education. Business and Professions Code section 2915(d)(3) requires that continuing education instruction shall be completed within the State of California, or shall be approved for continuing education credit by the American Psychological Association or its equivalent as approved by the Board.

Currently, the Board's continuing education program is administered by the Mandatory Continuing Education for Psychologists Accrediting Agency (MCEPAA). The MCEPAA is a non-profit, fee-for-service program, administered by the California Psychological Association (CPA). The MCEPAA program was approved by the Board in 1994 as an accrediting agency, and is currently the sole organization responsible for approving and maintaining a list of qualified providers and courses for California psychologists, and for reporting each licensee's compliance with meeting continuing education requirements to the Board.

The Board currently recognizes and accepts for continuing education courses that are: provided by the American Psychological Association (APA) approved sponsors; Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA) or the Accreditation Council for Continuing Medical Education (ACCME); or courses sponsored by the Academies of the specialty boards of the American Board of Professional Psychology (ABPP). Business and Professions Code Section 2915(f) provides that the Board may recognize continuing education courses that have been approved by one or more private nonprofit organizations that have at least 10 years experience managing continuing education programs for psychologists on a state-wide basis, including, but not limited to: 1) Maintaining and managing related records and data; 2) Monitoring and approving courses.

Under existing law, courses obtained from a recognized provider, not approved by MCEPAA, must be reported by the licensee to MCEPAA along with a reporting fee to ensure proper crediting of the hours obtained.

Existing law also provides for an exemption from the continuing education requirements if, during the two-year period immediately prior to the expiration date of the license, a licensee has: 1) been residing in another

country or state for at least one year, reasonably preventing completion of the continuing education requirements, or; 2) has been engaged in active military service, or; 3) has had total responsibility for the care of an immediate family member with a total physical and/or mental disability for at least one year.

The Board is proposing to amend Title 16, Division 13.1, Article 10, Continuing Education, California Code of Regulations Sections 1397.60–1397.7 to apply to a license that expires before January 1, 2012, and adopt sections 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, and 1397.70 to apply to a license that expires, is made active, or reinstated on or after January 1, 2012. This proposal will re-define the Board of Psychology's Continuing Education Provider Approval System to make it consistent with other states by re-defining Board recognized accrediting agencies authorized to provide approved continuing education for California licensed psychologists, and to restructure the process for compliance monitoring and reporting requirements. The proposed regulations would:

- Eliminate any accrediting agency as the administrator of the Board's continuing education program, including the approval of providers and individual courses.
- Eliminate the existing accrediting agency (now MCEPAA) course reporting requirement required of licensees and the compliance report submitted by MCEPAA to the Board.
- Add the California Psychological Association, or its approved sponsors, to the list of approved providers.
- Remove the American Board of Professional Psychology (ABPP) from the list of approved providers.
- As a practical effect, there would be a change from the 100% compliance audit conducted in conjunction with MCEPAA to a random or directed audit conducted by the Board.
- Add a \$10.00 fee paid to the Board for the administration of this article for the purpose of conducting compliance audits.
- Eliminate the provision to request an exemption from continuing education requirements due to residing in another country or state for at least one year, reasonably preventing completion of the continuing education requirement.

This proposal would also make other non-substantive grammatical and formatting changes.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that this proposed rulemaking will not have a significant, state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

N/A.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 2005 Evergreen Street, Suite 1400, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Linda Kassis
Address: 2005 Evergreen Street,
Suite 1400
Sacramento, CA 95815
Telephone No.: (916) 263–0712
Fax No.: (916) 263–2697
E-Mail Address: Linda.Kassis@dca.ca.gov

The backup contact person is:

Name: Jeff Thomas
Address: 2005 Evergreen Street,
Suite 1400
Sacramento, CA 95815
Telephone No.: (916) 263–1617
Fax No.: (916) 263–2697
E-Mail Address: Jeffrey.Thomas@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

TITLE 18. STATE BOARD OF EQUALIZATION

Notice of Proposed Regulatory Action

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 1506, *Miscellaneous Service Enterprises*

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation) 1506, *Miscellaneous Service Enterprises*. The proposed amendments revise Regulation 1506, subdivision (h) to clarify the requirements for a camp to qualify as a school or educational institution so that its sales of student meals are exempt from sales and use tax under RTC section 6363.

PUBLIC HEARING

A public hearing on the proposed regulatory action will be held in Room 121, 450 N Street, Sacramento, at 10:00 a.m., or as soon thereafter as the matter may be heard, on December 14, 2010. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the proposed amendments to Regulation 1506, subdivision (h).

AUTHORITY

RTC section 7051.

REFERENCES

RTC sections 6006, 6007, 6015, 6018.1, 6018.7, 6358, 6358.4 and 6363.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

RTC section 6363 provides an exemption from sales and use tax for meals served or furnished to students of a school or educational institution. Regulation 1506, subdivision (h), *Summer Camps*, currently explains that a

camp qualifies as a school or educational institution and the exemption for meals served to students, if the camp “conduct[s] regularly scheduled classes, with required attendance, in charge of qualified instructors.”

These requirements establish that a camp session must promote an educational program through the conduct of regularly scheduled classes to qualify as a school or educational institution. However, camps may conduct their classes outside a traditional classroom setting and often do. For example, guided nature hikes can teach campers about ecology, conservation, and geology and must be conducted outdoors. In addition, classes in spiritual training or physical education, including, but not limited to, knot tying, archery, marksmanship, swimming, boating, and arts and crafts, are educational. Therefore, all of these types of classes, will meet the first requirement of the Regulation 1506, subdivision (h) test if they are regularly scheduled.

Further, camps may allow campers to select the classes they wish to participate in and still have required participation. For example, a camp may allow a camper working on a merit badge for archery to choose to attend classes on range safety and archery practice, and allow a camper working on a hiking badge to attend classes in first aid and wilderness survival and still satisfy the “required attendance” test so long as the camper must attend his or her selected classes. However, a camp will not satisfy the “required attendance” test if it offers a variety of classes and recreational activities, requires campers to attend an orientation on the first day, but otherwise allows campers to choose to attend as many of the scheduled class or activities as they want or choose not to attend any class or activities during the rest of the camp session. In general, most youth camps include activities that qualify as regularly scheduled classes with required attendance, but camps should document that attendance is required in their camp brochures, registration materials, website information, camper rule agreements, and other materials in order to substantiate that they qualify for the exemption.

Furthermore, a class is taught by a qualified instructor when the instructor has the formal training or sufficient experience to adequately prepare the instructor to teach his or her subject. Therefore, the level of training and experience needed to be a qualified instructor depends on the class being taught. For example, an instructor may need certification by the American Heart Association or Red Cross to be “qualified” to teach CPR or general first aid and a kayaking instructor may need to have years of experience in kayaking and water safety training to be “qualified” to teach kayaking. In general, if the camp determines that an instructor is reasonably qualified to lead a class, then the camp will have met this requirement of the regulation. However, camps should maintain records that show their instructors’ level of

training and/or experience related to the area they teach to substantiate that they qualify for the exemption.

Proposed Amendments

Young Life Appeal

On February 24, 2010, the Board conducted an oral hearing regarding a sales and use tax appeal involving the issue of whether the exemption provided by RTC section 6363 and Regulation 1506, subdivision (h) applied to sales of meals at a Young Life camp facility. Therefore, the Board had to decide whether the camp qualified as a school or educational institution because it conducted regularly scheduled classes, with required attendance, in charge of qualified instructors.

The camp did not conduct traditional classes in classrooms. However, the camp established that it was a traditional camp and conducted an educational program with scheduled activities including religious, leadership, and life skills training, and that campers were required to attend scheduled activities which were taught by qualified instructors. Therefore, the Board concluded that the camp qualified as a school or educational institution within the meaning of Regulation 1506, subdivision (h) and that its sales of student meals were exempt from sales and use tax. In addition, the Board referred Regulation 1506, subdivision (h) to its Business Taxes Committee and directed committee staff to work with interested parties to draft clarifying amendments that would help taxpayers and Board staff more easily determine whether camps qualify as schools or educational institutions.

Interested Parties Process

Accordingly, Board staff met with interested parties on May 19, 2010, and July 7, 2010, to discuss potential revisions to Regulation 1506. Board staff also had the opportunity in July to visit a traditional camp, which qualified as an “organized camp” under Health and Safety Code section 18897, to gain a better understanding of how traditional camps currently operate.

During the interested parties process, Board staff determined that the provisions of Regulation 1506, subdivision (h) are intended to apply to traditional camps, similar to those operated by the Young Life organization, YMCA, YWCA, Girl Scouts, Boy Scouts, camps accredited by or affiliated with the American Camp Association, and camps that are approved members of the Christian Camp and Conference Association. Board staff determined that the provisions in Regulation 1506, subdivision (h) are not intended to apply to resorts, other hotel and lodging establishments, or businesses that provide all inclusive outdoor recreation packages outside a traditional camp setting.

During the interested parties process, Board staff concluded that the types of traditional camps that may qualify as schools or educational institutions also quali-

fy as “organized camps,” as defined in Health and Safety Code section 18897, subdivision (a), which provides that:

(a) “Organized camp” means a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days¹ or more during one or more seasons of the year.

Board staff also concluded that many of the types of businesses that might seem similar to camps, but which are not traditional camps that are intended to be able to qualify as schools or educational institutions, cannot qualify as “organized camps,” as defined in Health and Safety Code section 18897, subdivision (a). This is because the term “does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp and does not include a child care institution or home-finding agency. The term ‘organized camp’ also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.” (Health & Saf. Code, § 18897, subs. (b) and (c).)

Therefore, Staff recommended that the Board amend the provisions of Regulation 1506, subdivision (h) to require that a camp be an “organized camp” as defined in Health and Safety Code section 18897 to qualify as a school or educational institution and to provide examples of camps that do and do not qualify as schools or educational institutions.

Furthermore, during the interested parties process, Board staff learned that many traditional camps now operate year-round by offering sessions to campers that attend schools that are not on a traditional calendar year and offering camp sessions during the school year. Therefore, Board staff recommended that the Board change the name of subdivision (h) from “summer camps” to “organized camps.”

In addition, Board staff recommended restructuring subdivision (h) so that the first sentence becomes paragraph (1) and all of the remaining text becomes paragraph (2). Board staff recommended amending the first sentence in new paragraph (1) so that it applies to “camps,” in general, not just “summer camps,” and amending new paragraph (2) so that it clearly applies to

¹ The Board interprets this provision to mean that a camp organization meeting the 5-day requirement for one camp session continues to meet the requirement even if it also conducts some shorter camp sessions. That is, staff would evaluate the camp year, rather than any one camp session. For example, a camp offers 5-day outdoor education camps for 6th graders and also provides 3-day outdoor education camps for 4th graders. Because the camp meets the 5-day requirement with the 6th grade camp sessions, the camp is still considered an “organized camp” during the 3-day camp sessions.

camps qualifying as schools or educational institutions. Board staff recommended revising the text of the first sentence in new paragraph (2) to make it read more clearly and expressly state that a qualifying “camp’s sales of student meals are not subject to tax.” Board staff recommended deleting the second sentence in new paragraph (2) and replacing it with a new sentence that clearly enumerates the requirements a camp must meet in order to qualify as a school or educational institution. Finally, staff recommended that the words “and the tax returned” be deleted from the second to last sentence in Regulation 1506, subdivision (h) because the words are awkward and confusing.

Business Taxes Committee

Board staff incorporated its recommendations into Formal Issue Paper 10–008 and submitted the issue paper to the Board for consideration along with three letters of support from the: California State Alliance of YMCAs and the California Collaboration for Youth; the American Camp Association, Southern California/Hawaii; and the Christian camps in California that are approved members of the National Christian Camp and Conference Association (CCCA). During the Board’s Business Taxes Committee meeting on September 15, 2010, the Board determined that staff’s recommended amendments were necessary to:

- Clarify that Regulation 1506, subdivision (h)’s exemption for student meals provided by camps that qualify as schools or educational institutions may only apply to traditional camps that qualify as “organized camps” as defined in Health and Safety Code section 18897;
- Provide examples that will help taxpayers and Board staff identify camps that qualify as schools and educational institutions and other types of similar businesses that do not qualify; and
- Revise the current language in the first, second, and fourth sentences in subdivision (h) so that they do not read awkwardly and clearly specify the application of tax.

Therefore, the Board approved staff’s recommendations and authorized Board staff to begin the formal rulemaking process to incorporate the recommended amendments into Regulation 1506, subdivision (h), for the specific purposes of clarifying the requirements for a camp to qualify as a school or educational institution and clarifying how tax applies to sales of tangible personal property by camps, including sales of student meals.

There are no comparable federal regulations or statutes to Regulation 1506, subdivision (h).

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the proposed amendments to Regulation 1506, subdivision (h) do not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the proposed amendments to Regulation 1506, subdivision (h) will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has determined that the proposed amendments to Regulation 1506, subdivision (h) are consistent with the Board’s current application of RTC section 6363 and Regulation 1506. The proposed amendments to Regulation 1506, subdivision (h) merely clarify the requirements for a traditional camp to qualify as a school or educational institution, provide examples to help Board staff and taxpayers more easily identify traditional camps that qualify as schools or educational institutions and other types of businesses that do not qualify, and clarify the language explaining the application of tax to camps’ sales of tangible personal property, including student meals. Furthermore, the proposed amendments continue to allow traditional camps to qualify as schools or educational institutions that receive the exemption for sales of student meals and do not change the application of sales and use tax to camp’s sales of tangible personal property. Therefore, the Board has made an initial determination that the proposed amendments to Regulation 1506, subdivision (h) will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed amendments to Regulation 1506, subdivision (h) may affect small business.

**NO COST IMPACTS TO PRIVATE PERSONS
OR BUSINESSES**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**RESULTS OF THE ASSESSMENT REQUIRED BY
GOVERNMENT CODE SECTION 11346.3,
SUBDIVISION (b)**

The Board has determined that the adoption of the proposed amendments to Regulation 1506, subdivision (h) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

Adoption of the proposed amendments to Regulation 1506, subdivision (h) will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Bradley M. Heller, Tax, Counsel III (Specialist), by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends when the public hearing begins at 10:00 a.m., or as soon thereafter as the matter may be heard, on December 14, 2010. If the Board receives written comments prior to the close of the written comment period, the statements, arguments, and/or contentions contained in those comments will be presented to and considered by the Board before the Board decides whether to adopt the proposed amendments to Regulation 1506, subdivision (h). The Board will only consider written comments received by that time.

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION**

The Board has prepared an Initial Statement of Reasons and an underscore and strikeout version of Regulation 1506, subdivision (h) illustrating the express terms of the proposed amendments. These documents and all the information on which the proposed amendments are based are available to the public upon request. The rule-making file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the Initial Statement of Reasons are also available on the Board's Website at www.boe.ca.gov.

**SUBSTANTIALLY RELATED CHANGES
PURSUANT TO GOVERNMENT CODE
SECTION 11346.8**

The Board may adopt the proposed amendments to Regulation 1506, subdivision (h) with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

If the Board adopts the proposed amendments to Regulation 1506, subdivision (h) the Board will prepare a

Final Statement of Reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

TITLE 22. DEPARTMENT OF PUBLIC HEALTH

ACTION: Notice of Proposed Rulemaking
Title 22, California Code of Regulations
SUBJECT: Standard Admission Agreement,
DPH-05-22

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Public Health will conduct written public proceedings during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 1599.61 of the Health and Safety Code requires the California Department of Public Health (Department), formerly the Department of Health Services¹, to develop, and skilled nursing and intermediate care facilities to use, a standard admission agreement which complies with all applicable state and federal laws.

The Department promulgated regulations, Sections 72516 and 73518 of the California Code of Regulations (CCR), with a Standard Admission Agreement (SAA) incorporated by reference, effective August 5, 2005. Thereafter, a suit was filed by several long-term health care facilities and The California Association of Health Facilities in which the petitioners asked the court to issue a writ requiring the Department to implement regulations and the corresponding SAA to conform with existing law; the petitioners did not believe that the regulations and agreement the Department had promulgated were consistent with existing statutes and regulations. *Parkside Special Care Center, Inc., et al., v. Sandra Shewry, Director of the California Department of*

Health Services, et al., San Diego Superior Court number GIC 860574.

On August 10, 2006, the Court issued an Order in which it upheld certain provisions of the Department's regulations and SAA, and found several other provisions contrary to law. On March 21, 2007, the court issued a Writ of Mandate in which it ordered the Department to vacate and set aside several provisions of the SAA and implementing regulations and to revise and re-promulgate those provisions of the SAA and implementing regulations in a manner consistent with the Writ and the Order of August 10, 2006.

The proposed amendments to the regulations, the SAA, and Attachment E, make the changes to the following components to comply with the court order: (1) Authorization for Disclosure of Medical Information, (2) Notice of Room Change, (3) Liability of Third Parties, (4) Posting Requirements, (5) Refunds, and (6) Program Flexibility.

The writ required a change to the Resident's Right to leave the facility voluntarily. At a meeting in chambers on March 11, 2008, the Court stated that it was rescinding this requirement, and that no change was required to the wording in the SAA as adopted, i.e., DHS Form Number HS 327 (02/05).

The proposed amendments to Sections 72516 and 73518, Title 22, CCR, establish and follow guidelines and time tables in the implementation of the program flexibility provisions pursuant to Health and Safety Code Section 1276 consistent with Health and Safety Code section 1599.61(g). The California Department of Public Health Form Number CDPH 327 (05/10) is the revised SAA as amended in this proposal, and is incorporated by reference into the regulations.

The proposed amendments to the SAA require "reasonable notice" to the resident rather than "30 days" for a change to the resident's room; notice to a resident's personal representative that signing in a representative capacity does not, in and of itself, result in personal liability of the representative for debts of the resident; posting of the report of the most recent state licensing visit; and refunds of security deposits to be made within 14 days of closure of the resident's private account or receipt of Medi-Cal payment, whichever is later.

The proposed amendments to the Authorization for Disclosure of Medical Information (Attachment E) conform the Authorization to the mandatory requirements of the federal Health Insurance Portability and Accountability Act (HIPAA).

Chapter 532, Statutes 2009 requires that all contracts of admission for a skilled nursing facility have an attachment that is placed before any other attachment that discloses the name of the owner and licensee and the name and contact information of a single entity that is

¹ Effective July 1, 2007, the California Department of Health Services was split into two separate agencies, the Department of Health Care Services, and the Department of Public Health. This split was effected by the passage of S.B. 162, Chapter 241, Statutes of 2006. The subject of this proposed regulatory package was assigned in that legislation to the Department of Public Health.

responsible for all aspects of patient care and operation at the facility.

A new Attachment A is added to the SAA to comply with the requirements of Chapter 532, Statutes 2009, and former Attachment A is designated Attachment F.

AUTHORITY

Sections 1275 and 131200, Health and Safety Code.

REFERENCE

Sections 1276, 1430, 1599.60, 1599.61, 1599.64, 1599.81, 123222.1, 131050, 131051 and 131052, Health and Safety Code. *Parkside Special Care Center, Inc., et al., v. Sandra Shewry, Director of the California Department of Health Services, et al.*, San Diego Superior Court number GIC 860574.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations and Hearings by 5 p.m. on December 1, 2010, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By mail to: Office of Regulations and Hearings, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or hand delivered to: 1616 Capitol Avenue, Sacramento, CA 95814. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-5747; or
3. By email to regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-05-022" in the subject line to facilitate timely identification and review of the comment.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to

Jennifer Hoke of Licensing and Certification, at (916) 552-8761.

All other inquiries concerning the action described in this notice may be directed to Sandra Ortega, Office of Regulations and Hearings, at (916) 445-9403, or to the designated backup contact person, Dawn Basciano, at (916) 440-7367.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-05-022.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations and Hearings, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rule-making file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations and Hearings.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 445-9403 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations and Hearings at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations and Hearings at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None
- C. Fiscal Effect on Federal Funding of State Programs: None
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: None
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not affect small business because any impact on these businesses is a result of the legislation directing the Department to adopt and the facilities to use a standard admission agreement, not the result of these regulations themselves.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no

reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette, or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Sandra Ortega, Office of Regulations and Hearings, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, or call (916) 445-9403, or use the California Relay Service by dialing 711.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2010-047-03

Project: Abbondanza Square

Location: Sonoma County

Applicant: Abbondanza, LLC

Notifier: Ted Winfield

Background

Abbondanza, LLC (Applicant) proposes to construct commercial, office and retail buildings on 4.75 acres in the City of Santa Rosa. The Abbondanza Project (Project) includes a restaurant of 4,500 square feet (sf), a 22,950 sf winery building with space for three to four small wineries and associated wine cellars, and an 8,800 sf two-story building for office and retail use. Parking spaces will be constructed primarily along the southern and eastern boundaries of the Project site with access from Mark West Station Road. The interior portion of the Project site will consist of landscaped areas and paved surfaces for pedestrian traffic.

The Project activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*) (CTS) where those activities occur on the 3.67 acres of suitable CTS upland habitat located on the Project site. In particular, CTS could be incidentally taken as a result of being crushed and/or entombed in burrows from operation of heavy equipment, vehicles, and by foot traffic. The Sonoma County Distinct Population Segment of CTS is designated as an endangered species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and CTS is designated as a threatened species across its range in California under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

CTS individuals are documented as present 5.1 miles from the Project site and there is suitable CTS habitat within and adjacent to the Project site. Because of the proximity of the nearest documented CTS, dispersal patterns of CTS, and the presence of suitable CTS habitat at the Project site, the United States Fish & Wildlife Service (Service) determined that CTS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of CTS. According to the Service, the Project will result in the permanent loss of 3.67 acres of upland CTS habitat.

Because the Project is expected to result in take of a species designated as endangered under the federal ESA, the United States Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On June 1, 2010, the Service issued a biological opinion (Service file No. 81420-2008-F-1946-1) (BO) to the Corps. The BO describes Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

On August 30, 2010 the Director of the Department of Fish and Game (DFG) received a notice from Ted Winfield on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and CTS. (Cal. Reg. Notice Register 2010, No. 37-Z, p. 1442.)

Determination

DFG has determined that the BO, including the ITS, is consistent with CESA as to the Project and CTS because the mitigation measures contained in the BO and ITS meet the conditions set forth in Fish and Game Code Section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that: (1) take of CTS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO and ITS will minimize and fully mitigate the impacts of the authorized take; (3) ad-

equate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of CTS. The mitigation measures in the BO and ITS include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Applicant has purchased 0.35 acre of CTS habitat conservation credits at the Alton North Conservation Bank and 0.38 acre of CTS habitat conservation credits at the Hazel Mitigation Bank, for a combined total of 0.73 acre of CTS habitat conservation credits purchased.
- Applicant will enclose all food and food-related trash items in sealed trash containers and remove them completely from the site once every three days.
- Applicant will maintain all equipment such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.
- Applicant will store all hazardous materials in sealable containers in a designated location at least 200 feet from aquatic habitats.
- Construction workers will be given a training session by a biologist before work is started. All new personnel will also be given a training session. This training session will include pictures of CTS, information on the biology of CTS, the measures required to protect CTS, federal and state regulations, and what to do if a CTS is found.
- If CTS are found on the Project site by a construction worker, the worker will immediately inform a biological monitor. All work will halt immediately and machinery turned off within 100 feet of the CTS. The biologist will capture and remove the CTS from the work area.
- Before the start of work each morning, a monitor will check for CTS under equipment such as vehicles and stored pipes.

Monitoring and Reporting

- A trained monitor will be present at all times when work is in progress at the Project site. A Service-approved biologist will be responsible for appropriate training of the monitor.
- A record of all CTS observed and the outcome of that observation will be kept by the biologist and submitted to the Service.
- If the biologist has requested a stop work order due to take of listed species, the Service and DFG will be notified within one working day via email or telephone.

Financial Assurances

- The Applicant has provided financial assurances consistent with CESA in the form of a completed purchase of 0.73 acre of CTS conservation credits as documented by two Bills of Sale dated August 5, 2010.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA is not required for the Project for incidental take of CTS, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).)

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH CARE SERVICE PROPOSES TO SUBMIT A CHANGE TO ITS TITLE XIX MEDICAID STATE PLAN FOR THE TARGETED CASE MANAGEMENT PROGRAM

This notice is to provide information of public interest with respect to the changes made to the State Plan regarding the Targeted Case Management Program.

The Department of Health Care Services (DHCS) proposes to amend the State Plan in order to comply with existing federal regulations (42 CFR Parts 431, 440, and 441 of the Medicaid Program; Optional State Plan Case Management Services), which clarify the situations in which Medicaid will pay for case management activities and clarify when payment will not be consistent with proper and efficient operation of the Medicaid program, and is not available. The federal regulations further provide for optional coverage of case management services or targeted case management services provided pursuant to section 1905(a)(19) and section 1915(g) of the Social Security Act.

In order to reflect changes to the federal regulations, these proposed revisions will modify the State Plan's

current Target Population definitions, the Definition of Services, and the Reimbursement Methodology. Specifically, the portions of the State Plan affected are Supplements 1a, 1b, 1d, 1e, 1f and 1h to Attachment 3.1-A, as well as Attachment 4.19-B, pages 5d-5f and 5j-5k, all of which will reflect the federal requirements and policies described below.

Target Populations

Pursuant to the federal regulations, five target populations are proposed:

- Families with Children Under the Age of 21
- Medically Fragile Adults
- Communicable Diseases
- Children and Adults at Risk for Poor Health, Social or Behavioral Outcomes
- Adults with Long Term Care Needs

Definition of Services (42 CFR 440.169)

Additionally, federal regulations established four service components:

- Comprehensive assessment and periodic reassessment of individual needs, to determine the need for any medical, educational, social or other services
- Development (and periodic revision) of a specific care plan that is based on the information collected through the assessment
- Referral and related activities to help the eligible individual obtain needed services
- Monitoring and follow-up activities

Reimbursement Methodology for Case Management Services

Lastly, using the existing federal policies, a new cost-based methodology, which incorporates the following, is proposed:

- Interim Rates Methodology
- Interim Reconciliation
- Final Reconciliation

PUBLIC REVIEW AND COMMENT

A copy of the detailed description may be requested in writing from Ms. Jalyne Callori, Assistant Division Chief, Department of Health Care Services, Safety Net Financing Division, MS 4603, P.O. Box 997436, Sacramento, CA 95899-7436.

Written comments concerning the proposal may be mailed to Ms. Callori at the above address or emailed to jalyne.callori@dhcs.ca.gov. Comments must be received on or before November 22, 2010.

TITLE 10. CALIFORNIA DEPARTMENT OF REAL ESTATE

NOTICE OF PROPOSED ACTION BY THE REAL ESTATE COMMISSIONER: ANNUAL FEE REVIEW — REQUIRED BY STATUTE

Jeff Davi, Real Estate Commissioner, proposes to consider whether the fees charged by the Department should be lower than the maximum amount allowed pursuant to California Business and Professions Code (hereinafter the "Code") Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011. The Commissioner's consideration will include all comments, objections and recommendations regarding such fees.

PROPOSED REGULATORY ACTION

Sections 10226 and 11011 of the Code require, among other things, that the Commissioner hold at least one regulation hearing each calendar year to determine if fees lower than those authorized under Section 10226.5(b) of the Code should be prescribed. The hearing referred to below shall serve as the regulation hearing for the purpose of satisfying the requirement of Sections 10226(a) and 11011(a) of the Code. The Department of Real Estate may present, at this hearing, relevant data compiled by the Department, and other sources, if appropriate, that have been used or which the Commissioner may use in making the determination if fees should be lower. The Commissioner does not propose to adopt, amend and/or repeal any sections of the California Code of Regulations (CCR) at this time. However, he wishes to consider all comments, objections and recommendations regarding such fees.

PUBLIC HEARING

The Commissioner or his representative will hold a public hearing starting at 10:00 a.m., on November 30, 2010, at the Department of Real Estate Examination Room, located at 2200 X Street, Suite 120B, Sacramento, California. The Examination Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony to the Commissioner.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action to the Commissioner. The written comment period closes on November 30, 2010. All written comments must be received by 5:00 p.m. on that date at the Department's Sacramento Office as follows:

Daniel E. Kehew, Real Estate Counsel
Department of Real Estate
2201 Broadway
Sacramento, CA 95818

Telephone: (916) 227-0425

Backup contact person for this proposed action is Mary Clarke at (916) 227-0780.

AUTHORITY AND REFERENCE

Business and Professions Code Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

No regulations are proposed to be adopted, amended or repealed.

EFFECT ON SMALL BUSINESS

There are no proposed regulatory actions to affect small business.

DISCLOSURES REGARDING THE PROPOSED ACTION

There are no proposed regulatory actions requiring disclosures.

CONSIDERATION OF ALTERNATIVES

There are no proposed regulatory actions requiring consideration of alternatives.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Daniel E. Kehew, Real Estate Counsel
Department of Real Estate
2201 Broadway
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0425

AVAILABILITY OF STATEMENT OF REASONS,
TEXT OF PROPOSED REGULATIONS AND
INTERNET SITE

There is no Statement of Reasons or text of proposed regulations.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

There is no changed or modified text.

COMPLIANCE WITH GOVERNMENT CODE
SECTION 11346(A)(1) THROUGH (4)

The Department of Real Estate will mail or deliver a copy of this Notice of Proposed Action by the Real Estate Commissioner to the Department's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with the Department.
2. The Director of the Department. (The Real Estate Commissioner and the Secretary of the Business, Transportation and Housing Agency).
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by any fee adjustment. The Department has no way of knowing which licensees are small businesses.
4. The California Association of Realtors (a real estate licensee trade organization) and the California Building Industry Association (a home builders trade organization).
5. A substantial number of land developers. Not small businesses by definition, they may, nevertheless, be affected by any fee adjustment.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE OF INTENT TO LIST
S,S,S-TRIBUTYL PHOSPHOROTRITHIOATE
(TRIBUFOS, DEF) ADDITIONAL EXTENSION
OF PUBLIC COMMENT PERIOD**

October 15, 2010

[Posted on OEHHA web site on October 6, 2010]

On September 24, 2010, Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 2010, No. 39-Z) announcing the extension of the public comment period related to OEHHA's intent to list S,S,S-tributyl Phosphorotrithioate (Tribufos, DEF) under Proposition 65 as a chemical known to the state to cause cancer in accordance with the regulatory criteria in Section 25306 of Title 27 of the California Code of Regulations. The September 24 notice extended the comment period 30 days and would have closed on Wednesday, October 13, 2010. OEHHA has received another request from an interested party seeking an extension of the comment period due to unique extenuating circumstances concerning the submission of complete and relevant scientific information for *Tribufos* or *DEF*. OEHHA hereby extends the public comment period for *Tribufos* or *DEF* to **5 p.m., Monday, November 15, 2010**.

We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street, 19th floor
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Please provide mailed or hand-delivered hard-copy comments in triplicate. In order to be considered, comments must be received at OEHHA by 5:00 p.m. Monday, November 15, 2010.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-1001-02
BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Space and Utilization Standards

This action adopts and incorporates by reference the California Community Colleges Policy on Utilization and Space Standards, and repeals all sections that have been superseded by this new policy. This action was filed by the Board with the Secretary of State on 10-1-2010 and submitted to OAL for printing in Title 5 of the California Code of Regulations.

Title 5
California Code of Regulations
AMEND: 57020 REPEAL: 50721, 50722, 50723, 50724, 50725, 50727, 50728, 50729, 50730, 50731, 50732
Filed 10/01/2010
Effective 10/31/2010
Agency Contact: Jonathan Lee (916) 445-6272

File# 2010-0831-05
BUSINESS, TRANSPORTATION AND HOUSING
AGENCY
Conflict-of-Interest Code

This is a conflict-of-interest code amendment that was approved by the Fair Political Practices Commission and submitted to OAL for filing with the Secretary of State and printing only.

Title 21
California Code of Regulations
AMEND: 7000
Filed 09/30/2010
Effective 10/30/2010
Agency Contact:
Augustin Jimenez (916) 324-7518

File# 2010-0923-02
CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY
SB 71 Sales and Use Tax Exclusion Program

The California Alternative Energy and Advanced Transportation Financing Authority adopted sections 10030, 10031, 10032, 10033, 10034, 10035, and 10036 in title 4 of the California Code of Regulations to implement the advanced transportation and alternative source manufacturing sales and use tax exclusion program.

Title 4
California Code of Regulations
ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036
Filed 10/04/2010
Effective 10/04/2010
Agency Contact: Deana Carrillo (916) 657-5051

File# 2010-0817-02
CALIFORNIA ARCHITECTS BOARD
Updating Referenced Documents to Current Version and Name

This non-substantive regulatory action submitted by the California Architects Board (Board) amends sections 109, 117, and 121 of title 16 of the California Code of Regulations. The purpose of the action is to correct the name of the Canadian "Internship in Architecture Program," previously referred to incorrectly as the "Intern Architect Program."

Title 16
California Code of Regulations
AMEND: 109(b)(2), 109(b)(7), 117(e)(2), 121(a)(2)
Filed 09/29/2010
Agency Contact: Timothy Rodda (916) 575-7217

File# 2010-0921-04
CALIFORNIA EARTHQUAKE AUTHORITY
Conflict-of-Interest Code

The California Earthquake Authority is amending its conflict-of-interest code found at title 2, div. 8, ch. 79, sec. 56800, California Code of Regulations. The changes were approved for filing by the Fair Political Practices Commission on September 1, 2010.

Title 2
California Code of Regulations
AMEND: div. 8, ch. 79, sec. 56800
Filed 10/05/2010
Effective 11/04/2010
Agency Contact: Niel Hall (916) 492-4300

File# 2010-0923-04

**CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY**

California Capital Access Program for Small Business

This rulemaking action is the second readoption of emergency rules amending sections in Title 4 of the California Code of Regulations concerning the California Capital Access Program (CalCAP) for Small Businesses. In addition to the amendments made by the initial emergency rulemaking action which became effective on December 17, 2009, this second readoption readopts additional amendments made by the first readoption which became effective June 21, 2010.

Title 4

California Code of Regulations

AMEND: 8070, 8072, 8073, 8074

Filed 09/29/2010

Effective 09/29/2010

Agency Contact: Kamika McGill (916) 654-2492

File# 2010-0923-07

**CALIFORNIA UNIFORM CONSTRUCTION COST
ACCOUNTING COMMISSION**

Conflict-of-Interest Code

The California Uniform Construction Cost Accounting Commission is amending their conflict-of-interest code found at title 2, div. 8, ch. 46, sec. 53500, California Code of Regulations. The changes were approved for filing by the Fair Political Practices Commission on August 11, 2010.

Title 2

California Code of Regulations

AMEND: div. 8, ch. 46, sec. 53500

Filed 10/06/2010

Effective 11/05/2010

Agency Contact: Scott Taylor (916) 327-2289

File# 2010-0826-02

**COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING**

Notice of Appointment/Termination

The Commission on Peace Officer Standards and Training amended sections 9040 and 9041 of title 11 of the California Code of Regulations to separately provide for reserve peace officers, add peace officer and reserve peace officer for clarity, and to specify which law enforcement agency notifies POST when a peace officer or former peace officer is adjudged guilty of a felony offense.

Title 11

California Code of Regulations

AMEND: 9040, 9041

Filed 10/06/2010

Effective 11/05/2010

Agency Contact: Kelli Dugranrut (916) 227-4854

File# 2010-0824-02

DEPARTMENT OF FOOD AND AGRICULTURE

State Organic Program

This regulatory action establishes procedures for spot inspections, investigations and sampling to determine compliance with the provisions of the California Organic Products Act of 2003, the federal Organic Foods Production Act of 1990, National Organic Program regulations and other state regulations. It also includes procedures for complaints of suspected non-compliance with these laws.

Title 3

California Code of Regulations

ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4

AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6)

Filed 10/06/2010

Effective 11/05/2010

Agency Contact: Steve Patton (916) 445-2180

File# 2010-0923-06

DEPARTMENT OF FOOD AND AGRICULTURE

Light Brown Apple Moth Interior Quarantine

The Department of Food and Agriculture (Department) amends Title 3, section 3434(b). The Department expands the regulated quarantine area in the counties of Alameda, Contra Costa, Monterey, San Benito, Santa Clara and Solano counties by approximately 56 square miles. In addition, the quarantine area in the Ryer Island area of Sacramento County would expand by approximately six square miles and in the Fairfield area of Solano County by approximately 13 square miles. The effect of the proposed regulation will be to establish authority for the state to perform quarantine activities against the LBAM in these additional areas.

Title 3

California Code of Regulations

AMEND: 3434(b)

Filed 10/01/2010

Effective 10/01/2010

Agency Contact: Stephen S. Brown (916) 654-1017

File# 2010-0826-04
EMERGENCY MEDICAL SERVICES
AUTHORITY
Emergency Medical Technician

This action revises an incorporated by reference form to reflect the previously approved regulatory requirement and also updates the version date of the form.

Title 22
California Code of Regulations
AMEND: 100080
Filed 10/06/2010
Agency Contact: Laura Little (916) 322-4336

File# 2010-0823-02
FISH AND GAME COMMISSION
ALDS and Commercial Applications

This action consolidates the permit fees for commercial fishing licenses in a single regulation and updates them to amounts authorized under section 713 of the Fish and Game Code.

Title 14
California Code of Regulations
ADOPT: 700.3 AMEND: 105, 105.1, 106, 107, 110, 112, 116, 119, 120.2, 120.3, 102.6, 120.7, 122, 123, 124.1, 126, 147, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 700.4, 705
Filed 10/05/2010
Effective 11/04/2010
Agency Contact: Jon Snellstrom (916) 654-9868

File# 2010-0823-01
FISH AND GAME COMMISSION
Commercial Rock Crab Permits

This regulatory action submitted by the Fish and Game Commission amends Sections 125 and 125.1 of Title 14 of the California Code of Regulations. The amended text removes a moratorium prohibiting issuance of new southern rock crab trap permits by providing for the limited transfer of existing valid permits. Other changes allow the removal of one permit holder's traps by another permit holder in the event of injury or illness, and require all trapped rock crab, including crab intended to be used as bait, to be identified at the species level on landing receipts.

Title 14
California Code of Regulations
AMEND: 125, 125.1
Filed 10/05/2010
Effective 11/04/2010
Agency Contact: Jon Snellstrom (916) 654-9868

File# 2010-0823-04
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Heat Illness Prevention

This regulatory action amends section 3395 in Title 8 of the California Code of Regulations. This amendment requires that shade be present at all times at outdoor places of employment when the temperature exceeds 85 degrees Fahrenheit unless it's infeasible or unsafe. This amendment also implements additional requirements for certain industries when the temperature exceeds 95 degrees Fahrenheit. There are also new requirements for training when an employee is expected to be exposed to the risk of heat illness.

Title 8
California Code of Regulations
AMEND: 3395
Filed 10/05/2010
Effective 11/04/2010
Agency Contact: Marley Hart (916) 274-5721

File# 2010-0818-03
OSTEOPATHIC MEDICAL BOARD OF
CALIFORNIA
Naturopathic Medicine Committee — Name and Address Changes

This Section 100 filing conforms existing regulations to statutory changes made to the name of the agency by AB 20X (Chap. 18, Stats. 2009). Specifically, AB 20X changed the name of the "Bureau of Naturopathic Medicine" to the "Naturopathic Medicine Committee." This action also corrects the Committee's address.

Title 16
California Code of Regulations
AMEND: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4226, 4228, 4230, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4258, 4264
Filed 09/30/2010
Agency Contact:
Francine Davies (916) 928-4785

File# 2010-0914-02
SIERRA NEVADA CONSERVANCY
Conflict of Interest Code

The Sierra Nevada Conservancy is amending its conflict of interest code found at title 14, section 25231, California Code of Regulations. The changes have been approved for filing by the Fair Political Practices Commission on August 27, 2010.

Title 14
California Code of Regulations
AMEND: 25231
Filed 10/05/2010
Effective 11/04/2010
Agency Contact: Christine Sproul (916) 324-5343

File# 2010-0921-10

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; Implementation SB 592

This rulemaking action implements the provisions of Senate Bill 592, Chapter 192, Statutes of 2009, by amending two sections and adopting one section within Title 2 of the California Code of Regulations concerning, among other provisions, the holding of title to school site properties by charter schools and the transfer to charter schools of titles to properties held by school districts prior to January 1, 2010.

Title 2

California Code of Regulations

ADOPT: 1859.172

AMEND: 1859.162.3, 1859.171

Filed 10/05/2010

Effective 10/05/2010

Agency Contact: Robert Young (916) 375-5939

File# 2010-0922-03

STATE ALLOCATION BOARD

Leroy F. Greene Sch. Facil. Act of 1998: Financial Hardship Re-Reviews

The State Allocation Board submitted this emergency action to amend title 2, California Code of Regulations, sections 1859.2 and 1859.81. Section 1859.81 permits school districts to qualify for financial hardship status in order to receive additional state funding for school facility projects, upon meeting specific financial criteria. The proposed amendment to section 1859.2 defines "Unfunded List (Lack of AB 55 Loans)." The proposed amendment to section 1859.81 adds subdivision (f), which gives the board discretion to waive an existing requirement in section 1859.81 that approved financial hardship determinations be re-reviewed every 180 days by the Office of Public School Construction if the board places an approved school facility project on the newly adopted "Unfunded List (Lack of AB 55 Loans)" list for more than 180 days. The proposed emergency amendment to section 1859.81(f) will become inoperative on January 1, 2011.

Title 2

California Code of Regulations

AMEND: 1859.2, 1859.81

Filed 10/04/2010

Effective 10/04/2010

Agency Contact: Robert Young (916) 375-5939

File# 2010-0826-05

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

Persons Erroneously Convicted of Felonies

This is the resubmission of an action that updates the Board's procedure for consideration of claims of persons erroneously convicted of felonies and imprisoned.

Title 2

California Code of Regulations

ADOPT: 642, 643, 644, 645

AMEND: 640, 641

Filed 10/04/2010

Effective 11/03/2010

Agency Contact:

Geoff Feusahrens

(916) 491-3863

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN May 5, 2010 TO
October 6, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

10/06/10 AMEND: div. 8, ch. 46, sec. 53500

10/05/10 AMEND: div. 8, ch. 79, sec. 56800

10/05/10 ADOPT: 1859.172 AMEND: 1859.162.3, 1859.171

10/04/10 AMEND: 1859.2, 1859.81

10/04/10 ADOPT: 642, 643, 644, 645 AMEND: 640, 641

09/27/10 AMEND: 18942, 18944.1

09/07/10 AMEND: Renaming of headings only, as follows: Article 4 of Chapter 1 to new Subchapter 1.2; Subarticles 1-10 of new Subchapter 1.2 to new Articles 1-10; and Chapters 1-5 of new Article 6 to new Subarticles 1-5.

09/02/10 ADOPT: 60804.1, 60815.1, 60820.1, 60855, 60856, 60857, 60858, 60859, 60860, 60861, 60862, 60863 AMEND: 60841, 60846, 60853 REPEAL: 60855

09/01/10 AMEND: 234, 548.70

09/01/10 AMEND: 234, 548.70

08/18/10 ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5, 52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1, 55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2,

58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11, 59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6 AMEND: 51 (renumbered to 51.1), 51.1 (renumbered to 51.2), 51.2 (renumbered to 52.4), 52.3 (renumbered to 52.6), 51.9 (renumbered to 52.7), 51.5 (renumbered to 52.9), 52.6 (renumbered to 55.2), 52.2 (renumbered to 58.3), 51.4 (renumbered to 58.4), 52.1 (renumbered to 58.5), 57.2 (renumbered to 59.1), 52.5 (renumbered to 60.2), 57.3 (renumbered to 60.3), 53.1 (renumbered to 66.1), 56 (renumbered to 67.1), 56.1 (renumbered to 67.2), 56.2 (renumbered to 67.3), 56.3 (renumbered to 67.4), 56.4 (renumbered to 67.5), 56.5 (renumbered to 67.6), 56.6 (renumbered to 67.7), 56.7 (renumbered to 67.8) REPEAL: 51.3, 52, 52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4, 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10, 65, 547, 547.1	08/19/10 AMEND: 3423(b) 08/17/10 AMEND: 3437 08/16/10 AMEND: 3425(b) and (c) 08/13/10 AMEND: 3591.15(a) and (b) 08/11/10 AMEND: 3437 08/05/10 AMEND: 3423(b) 07/26/10 AMEND: 3435(c) 07/20/10 AMEND: 3437 07/16/10 AMEND: 3434(b) and (c) 07/13/10 AMEND: 3591.20(a) 07/07/10 ADOPT: 3591.24 07/01/10 AMEND: 3437 06/30/10 AMEND: 3423(b) 06/18/10 AMEND: 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1 06/10/10 ADOPT: 429, 430 AMEND: 441 06/10/10 ADOPT: 3024.5, 3024.6, 3024.7, and 3024.8 AMEND: 3024, 3024.1, 3024.2, 3024.3, 3024.4, and 4603 06/09/10 AMEND: 3434(b), (c), (d), and (e) 06/07/10 AMEND: 4500 06/02/10 AMEND: 3435 06/01/10 AMEND: 3437(b) 05/24/10 AMEND: 3434(b) 05/17/10 AMEND: 3591.5(a) 05/17/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407(e), 3407(f) REPEAL: 3000, 3001, 3002, 3003, 3004 05/13/10 AMEND: 3437
08/13/10 AMEND: 18707 07/08/10 AMEND: 18313.5(c) 07/06/10 AMEND: 51000 07/01/10 AMEND: 1859.90.1 06/24/10 ADOPT: 1859.90.1 AMEND: 1859.90.1 renumbered as 1859.90.2, 1859.129, 1859.197 06/24/10 AMEND: 47000, 47001, 47002 06/23/10 AMEND: 1859.184 06/17/10 AMEND: 18703.3 06/17/10 ADOPT: 18313.5 06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300 05/25/10 AMEND: div. 8, ch. 65, sec. 55400 05/11/10 AMEND: 18945 05/06/10 AMEND: 1859.2	
Title 3	Title 4
10/06/10 ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4 AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6) 10/01/10 AMEND: 3434(b) 09/27/10 AMEND: 3 09/27/10 AMEND: 3437 09/22/10 AMEND: 3591.20(a) 09/14/10 AMEND: 3434(b) 09/13/10 ADOPT: 3437 09/09/10 AMEND: 3434(b) 09/02/10 AMEND: 3425(b) 08/26/10 AMEND: 3406(b) 08/26/10 AMEND: 3406(b) 08/26/10 AMEND: 3434(b) & (c) 08/26/10 ADOPT: 6531 AMEND: 6502, 6511, 6530 08/24/10 AMEND: 3700(c)	10/04/10 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036 09/29/10 AMEND: 8070, 8072, 8073, 8074 09/15/10 AMEND: 10323 09/09/10 AMEND: 1766 09/09/10 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164 08/30/10 ADOPT: 213.2 AMEND: 211, 213, 293, 405 08/20/10 AMEND: 130 08/16/10 AMEND: 1689 07/29/10 ADOPT: 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432,

	5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5560, 5570, 5571, 5572, 5573, 5580, 5590	71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000,
07/22/10	AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328, 10330, 10335, 10337	
07/13/10	AMEND: 8034, 8035, 8042, 8043	
07/12/10	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, and 5550	
06/21/10	AMEND: 8070, 8072, 8073, 8074	
06/09/10	AMEND: 1689.1	
06/01/10	AMEND: 10020	
05/17/10	ADOPT: 12590 REPEAL: 12590	
Title 5		
10/01/10	AMEND: 57020 REPEAL: 50721, 50722, 50723, 50724, 50725, 50727, 50728, 50729, 50730, 57031, 50732	
09/13/10	ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807	
08/30/10	ADOPT: 30960, 30961, 30962, 30963, 30964	
08/24/10	REPEAL: 18015	
08/20/10	AMEND: 80001	
08/19/10	ADOPT: 59204.1	
08/19/10	ADOPT: 11967.6.1 AMEND: 11967.6	
08/09/10	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033	
08/02/10	ADOPT: 4700, 4701, 4702	
07/30/10	ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260,	

	75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010, 76240				7220.7, 7221, 7225 AMEND: 7213.3, 7224, 7226, 7226.1, 7226.2, 7227, 7227.1, 7227.2 REPEAL: 7213, 7213.1, 7213.2, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7225
07/23/10	AMEND: 19816, 19816.1				
06/09/10	AMEND: 19824, 19851, 19854				
05/27/10	ADOPT: 80048.8, 80048.8.1, 80048.9, 80048.9.1, 80048.9.2, 80048.9.3 AMEND: 800.46.5, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.3, 80048.4, 80048.6 REPEAL: 80048.2	08/09/10	ADOPT: 4100, 4105, 4210, 4300, 4310, 4315, 4320, 4325, 4330, 4415, 4420		
		07/07/10	ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)		
		07/07/10	ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)		
05/20/10	ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736	05/07/10	REPEAL: 3520		
Title 7		Title 10			
06/21/10	AMEND: 202 REPEAL: 212	09/28/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122		
Title 8		09/23/10	AMEND: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78		
10/05/10	AMEND: 3395	09/20/10	AMEND: 2494.4.9		
09/27/10	AMEND: 10232.2	09/16/10	AMEND: 3006, 3007, 3007.05, 3007.2, 3007.3, 3007.6, 3008, 3010, 3011.1, 3011.2, 3011.4, 3012.2 REPEAL: 3005		
09/23/10	AMEND: 9767.3	08/24/10	AMEND: 3525, 3527, 3541, 3542, 3543, 3544, 3561, 3563, 3566, 3568, 3569, 3570, 3583, 3602, 3603, 3661, 3722		
09/14/10	AMEND: 10253.1	08/05/10	AMEND: 2646.6		
09/13/10	AMEND: 5206(d)(4)(a), 1532.2(d)(4)(a), 8359(d)(4)(a)	07/30/10	AMEND: 2699.6700		
09/01/10	AMEND: 1502	07/29/10	ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31 REPEAL: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8		
08/30/10	AMEND: 4848	07/21/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702,		
08/30/10	AMEND: 5158				
08/25/10	AMEND: Appendix B following section 5207				
08/17/10	AMEND: 4885				
08/09/10	AMEND: 9767.3, 9767.6, 9767.8, 9767.12, 9767.16, 9880, 9881, 9881.1, 10139				
08/03/10	AMEND: 3563, 3651				
07/22/10	AMEND: 5278				
07/13/10	AMEND: 9789.70				
07/01/10	AMEND: 4650, 4797, 4823				
06/30/10	AMEND: 10232.1, 10232.2, 10250.1				
06/30/10	ADOPT: 17300				
06/29/10	ADOPT: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 AMEND: 16421, 16423, 16427, 16428, 16431, 16433, 16500				
06/21/10	AMEND: 344.30				
06/02/10	AMEND: 1590				
05/25/10	AMEND: 1599				
05/05/10	AMEND: 3308				
Title 9					
09/20/10	ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212				
09/20/10	ADOPT: 7213, 7213.1, 7213.2, 7213.4, 7213.5, 7213.6, 7214, 7214.1, 7214.2, 7214.3, 7214.4, 7214.5, 7214.6, 7214.7, 7214.8, 7215, 7215.1, 7216, 7216.1, 7216.2, 7218, 7220, 7220.3, 7220.5,				

	3703, 3721, 3724, 3726, 3728, 3731, 3741	08/12/10	AMEND: 6550.5
07/19/10	ADOPT: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78	08/11/10	AMEND: 895.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9 REPEAL: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 923.9.2, 943.9.2
07/12/10	AMEND: 2698.600, 2698.602	07/20/10	AMEND: 670.5
07/01/10	AMEND: 2699.200, 2699.201	07/19/10	AMEND: 632
06/29/10	ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911	07/12/10	AMEND: 7.50
06/24/10	AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721	06/24/10	AMEND: 360, 361, 362, 363, 364, 555, 708, 713
06/09/10	AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725	06/23/10	AMEND: 919.9, 939.9
06/01/10	AMEND: 2498.6	05/26/10	AMEND: 7.50
05/26/10	AMEND: 2699.6809	Title 15	
05/19/10	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507	09/22/10	ADOPT: 3999.9
Title 11		09/09/10	AMEND: 3605
10/06/10	AMEND: 9040, 9041	08/19/10	ADOPT: 3268.3 AMEND: 3000, 3268, 3268.1, 3268.2
06/09/10	AMEND: 1005, 1018	08/13/10	ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565
06/09/10	AMEND: 1005, 1007, 1008	08/11/10	AMEND: 3350.2, 3352.2, 3356, 3358, 3390
05/19/10	AMEND: 20	08/05/10	REPEAL: 3999.3
Title 13		08/05/10	REPEAL: 3999.4
08/12/10	ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630	08/05/10	REPEAL: 3999.5
07/29/10	REPEAL: 171.04	08/04/10	ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2
07/23/10	ADOPT: 126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08, 127.10 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22	07/30/10	ADOPT: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1, 3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6 AMEND: 3349
07/16/10	AMEND: 2449, 2449.1, 2449.2	07/27/10	REPEAL: 3999.2
07/08/10	AMEND: 1141(b)	07/22/10	ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6
06/14/10	AMEND: 440.04	07/13/10	ADOPT: 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504
06/14/10	AMEND: 345.24, 345.40, 345.41, 345.46, 345.50 REPEAL: 345.42	07/02/10	ADOPT: 8000, 8001, 8002
06/07/10	AMEND: 152.00, 190.03	05/25/10	AMEND: 3170.1(g), 3173.2(d)
05/18/10	ADOPT: 1971.5 AMEND: 1968.2, 1971.1	05/25/10	AMEND: 3090, 3091, 3093, 3095
Title 14		Title 16	
10/05/10	AMEND: 125, 125.1	09/30/10	AMEND: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4226, 4228, 4230, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4258, 4264
10/05/10	ADOPT: 700.3 AMEND: 105, 105.1, 106, 107, 110, 112, 116, 119, 120.2, 120.3, 102.6, 120.7, 122, 123, 124.1, 126, 147, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 700.4, 705	09/29/10	AMEND: 109(b)(2), 109(b)(7), 117(e)(2), 121(a)(2)
10/05/10	AMEND: 25231	09/23/10	AMEND: 1391.1
09/21/10	AMEND: 502, 507	09/23/10	ADOPT: 1399.419.1, 1399.419.2
09/21/10	AMEND: 787.1, 787.4, 787.5, 787.6 REPEAL: 787.2, 787.9		
09/08/10	AMEND: 300		
08/16/10	AMEND: 918, 938, 958		

09/22/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6	05/13/10	AMEND: 1602.5, 1700
09/21/10	ADOPT: 1426.1, 1430, 1431 AMEND: 1420, 1421, 1422, 1423, 1424, 1425, 1425.1, 1426, 1427, 1428, 1428.6, 1429, 1430 (renumbered to 1432)	05/11/10	REPEAL: 1525.7
08/25/10	AMEND: 427.10, 427.30	Title 19	
08/18/10	AMEND: 1721, 1723.1	07/13/10	AMEND: 2729.7 and Appendix B of Article 4
08/12/10	AMEND: 2537, 2590	06/17/10	ADOPT: 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067
07/30/10	ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6	Title 19, 26	
07/21/10	REPEAL: 1569	05/12/10	AMEND: Title 19: 2402, 2407, 2411, 2413, 2415, 2425, 2443, 2444, 2450, 2501, 2510, 2520, 2530, 2540, 2570.2, 2571, 2573.1, 2573.2, 2573.3, 2575.1, 2575.2, 2576, 2576.1, 2577.2, 2577.3, 2577.5, 2577.6, 2577.7, 2577.8, 2578.1, 2578.2, 2578.3, 2703, 2705, 2724, 2729.2, 2731, 2735.1, 2735.3, 2735.4, 2735.5, 2745.1, 2745.10, 2750.2, 2750.3, 2765.2, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7, 2800, 2810, 2815, 2820, 2825, 2830, 2835, 2850, 2855, 2900, 2910, 2915, 2925, 2930, 2940, 2945, 2955, 2965, 2966, 2970, 2980, 2990, Title 26: 19–2510, 19–2520, 19–2530, 19–2540, 19–2703, 19–2705, 19–2724, 19–2731
07/21/10	ADOPT: 2262.1 AMEND: 2262, 2276		
07/09/10	AMEND: 3000, 3003, 3005, 3065 REPEAL: 3006	Title 20	
07/09/10	AMEND: 411	09/01/10	AMEND: 1601, 1602, 1604, 1605.3, 1606, 1607
07/09/10	AMEND: 3340.42	07/08/10	AMEND: 2401, 2402, Appendix, Subdivisions (a) and (b)
07/07/10	AMEND: 3028, 3061	Title 21	
06/30/10	AMEND: 1355.4	09/30/10	AMEND: 7000
06/21/10	ADOPT: 1525, 1525.1, 1525.2	06/02/10	AMEND: 1411.1, 1411.7
06/18/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6	Title 22	
06/07/10	ADOPT: 1702	10/06/10	AMEND: 100080
06/03/10	AMEND: 4180	08/23/10	AMEND: 926–3, 926–4, 926–5
05/27/10	AMEND: 314	08/02/10	ADOPT: 119900
05/20/10	AMEND: 1996.3, 1997	07/26/10	REPEAL: 97300.1, 97300.3, 97300.5, 97300.7, 97300.9, 97300.11, 97300.13, 97300.15, 97300.17, 97300.19, 97300.21, 97300.23, 97300.25, 97300.27, 97300.29, 97300.31, 97300.33, 97300.35, 97300.37, 97300.39, 97300.41, 97300.43, 97300.45, 97300.47, 97300.49, 97300.51, 97300.53, 97300.55, 97300.57, 97300.59, 97300.61, 97300.63, 97300.65, 97300.67, 97300.69, 97300.71, 97300.73, 97300.75, 97300.77, 97300.79, 97300.81, 97300.83, 97300.85, 97300.87, 97300.89, 97300.91, 97300.93, 97300.95, 97300.97,
05/19/10	AMEND: 3340.1		
05/13/10	ADOPT: 1399.615, 1399.616, 1399.617, 1399.618, 1399.619 AMEND: 1399.571		
Title 17			
09/20/10	AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94515		
09/09/10	AMEND: 94801, 94804, 94805, 94806		
09/02/10	AMEND: 94700, 94701		
08/30/10	ADOPT: 95550		
08/26/10	AMEND: 60201, 60203, 60207, 60210, 70300, 70301, 70302, 70303, 70303.1, 70303.5, 70304, 70305, 70306		
06/29/10	AMEND: 100070, 100090		
06/17/10	ADOPT: 95460, 95461, 95462, 95463, 95464, 95465, 95466, 95467, 95468, 95469, 95470, 95471, 95472, 95473, 95474, 95475, 95476, Appendix 1		
06/17/10	ADOPT: 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207 AMEND: 95104		
Title 18			
08/26/10	AMEND: 1598		
07/19/10	ADOPT: 1698.5		
06/17/10	AMEND: 25136		
05/18/10	ADOPT: 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903		
05/13/10	AMEND: 1584		

97300.99,	97300.103,	97300.105,	97324.1,	97324.3,	97324.5,	97324.7,	
97300.107,	97300.109,	97300.111,	97324.9,	97324.11,	97324.13,	97324.15,	
97300.113,	97300.115,	97300.117,	97324.17,	97324.19,	97324.21,		
97300.119,	97300.121,	97300.123,	97324.23,	97324.25,	97324.27,		
97300.125,	97300.127,	97300.129,	97324.29,	97324.31,	97324.33,		
97300.131,	97300.133,	97300.135,	97324.35,	97324.37,	97324.39,		
97300.137,	97300.139,	97300.141,	97324.41,	97324.43,	97324.45,		
97300.143,	97300.145,	97300.147,	97324.47,	97324.49,	97324.51,		
97300.149,	97300.151,	97300.153,	97324.53,	97324.55,	97324.57,		
97300.155,	97300.157,	97300.159,	97324.59,	97324.61,	97324.63,		
97300.161,	97300.163,	97300.165,	97324.65,	97324.67,	97324.69,		
97300.167,	97300.169,	97300.171,	97324.71,	97324.73,	97324.75,		
97300.173,	97300.175,	97300.177,	97324.77,	97325.1,	97325.3,	97325.5,	
97300.179,	97300.181,	97300.183,	97325.7,	97325.9,	97326.1,	97326.3,	
97300.185,	97300.187,	97300.189,	97326.5,	97326.7,	97326.9,	97326.11,	
97300.191,	97300.193,	97300.195,	97326.13,	97326.15,	97331.1,	97331.3,	
97300.197,	97300.199,	97300.203,	97331.5,	97331.7,	97332.1,	97333.1,	
97300.205,	97300.207,	97300.209,	97333.3,	97333.5,	97333.7,	97333.9,	
97300.211,	97300.213,	97300.215,	97333.11,	97333.13,	97333.15,		
97300.217,	97300.219,	97300.221,	97333.17,	97333.19,	97333.21,		
7300.223,	97300.225,	97300.227,	97333.23,	97335.1,	97335.3,	97341.1,	
97300.229,	97300.231,	97320.1,	97341.3,	97341.5,	97341.7,	97342.1,	
97320.3,	97320.5,	97320.7,	97320.9,	97324.1,	97343.3,	97343.5,	97343.7,
97320.11,	97320.13,	97320.15,	97343.9,	97343.11,	97343.13,	97345.1,	
97320.17,	97320.19,	97320.21,	97345.3,	97350.1,	97350.3,	97350.5,	
97320.23,	97320.25,	97320.27,	97350.7,	97350.9,	97352.1,	97352.3,	
97320.29,	97320.31,	97321.1,	97352.5,	97352.7,	97352.9,	97352.11,	
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97321.15,	97321.17,	97321.19,	97353.9,	97353.11,	97353.13,	97353.15,	
97321.21,	97321.23,	97321.25,	97354.1,	97354.3,	97354.5,	97361.1,	
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97321.51,	97321.53,	97321.55,	97370.1,	97370.3,	97370.5,	97370.7,	
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97321.75,	97321.77,	97321.79,	97381.5,	97381.7,	97381.9,	97381.11,	
97321.81,	97321.83,	97321.85,	97382.1,	97383.1,	97383.3,	97383.5,	
97321.87,	97321.89,	97321.91,	97383.7,	97383.9,	97383.11,	97383.13,	
97321.93,	97321.95,	97321.97,	97383.15,	97383.17,	97383.19,	97384.1,	
97321.98,	97321.99,	97321.101,	97384.3,	97384.5,	97384.7,	97385.1,	
97321.103,	97321.105,	97231.107,	97385.3,	97385.5,	97390.1,	97390.3,	
97321.109,	97321.111,	97321.113,	97391.1,	97392.1,	97392.3,	97392.5,	
97321.115,	97321.117,	97321.119,	97392.7,	97392.9,	97392.11,	97392.13,	
97321.121,	97321.123,	97321.125,	97394.1,	97395.1,	97395.3,	97401.1,	
97321.127,	97321.129,	97321.131,	97401.3,	97401.5,	97402.1,	97403.1,	
97321.133,	97321.135,	97321.137,	97403.3,	97404.1,	97404.3,	97404.5,	
97321.139,	97321.141,	97321.143,	97404.7,	97404.9,	97405.1,	97405.3,	
97321.145,	97321.147,	97321.149,	97411.1,	97411.3,	97411.5,	97411.7,	
97322.1,	97322.3,	97322.5,	97411.9,	97411.11,	97412.1,	97412.3,	
97322.9,	97322.11,	97322.13,	97412.5,	97412.7,	97412.9,	97413.1,	
97323.1,	97323.3,	97323.5,	97413.3,	97413.5,	97413.7,	97413.9,	
97323.9,	97323.11,	97323.13,	97413.11,	97414.1,	97414.3,	97416.1,	

	97416.3, 97416.5, 97416.7, 97416.9, 97416.11, 97417.1, 97418.1, 97420.1, 97420.3, 97420.5, 97421.1, 97425.1, 97425.3, 97425.5, 97425.7, 97425.9, 97426.1, 97426.3, 97426.5, 97426.7, 97426.9, 97426.11, 97431.1, 97431.3, 97431.5, 97432.1, 97433.1, 97433.3, 97434.1, 97434.3, 97434.5, 97434.7, 97434.9		100211.1, 100214.1, 100214.2, 100214.3 AMEND: 100201, 100202, 100203, 100204, 100205, 100206, 100207, 100208, 100209, 100210, 100211, 100212, 100213, 100214, 100215, 100216, 100217 REPEAL: 100218
07/23/10	AMEND: 66261.3, 66261.4, 66268.1, 66268.7, 66268.9, 66268.124	05/12/10	ADOPT: 5300, 5400 AMEND: 5002, 5010, 5052, 5055, 5062, 5102, 5105
07/22/10	ADOPT: 52000, 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600	05/12/10	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
07/21/10	AMEND: 97232	05/06/10	AMEND: 66273.36
06/24/10	AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501	Title 22, MPP	
06/22/10	AMEND: 2706-7	09/03/10	ADOPT: 84067 AMEND: 83064, 84001, 84076, 84079, 84087.2, 84088, 84090, 86065, 88065, 89405
06/17/10	AMEND: 51516.1	07/09/10	ADOPT: 87606 AMEND: 87202, 87208, 87212, 87455, 87633
05/25/10	AMEND: 66262.44	Title 23	
05/19/10	AMEND: 100159, 100166, 100171	09/27/10	ADOPT: 2922
05/18/10	ADOPT: 100102.1, 100103.1, 100103.2, 100106.1, 100106.2, 100107.1 AMEND: 100101, 100102, 100103, 100104, 100105, 100106, 100107, 100108, 100109, 100110, 100111, 100112, 100113, 100114, 100115, 100116, 100117, 100118, 100119, 100120, 100121, 100122, 100123, 100124, 100125, 100126, 100127, 100128, 100129, 100130	09/22/10	ADOPT: 2921
		09/15/10	ADOPT: 3929.4
		07/19/10	ADOPT: 6932 REPEAL: 6932
		07/12/10	ADOPT: 3929.3
		07/12/10	ADOPT: 3919.8
		05/20/10	ADOPT: 2910 REPEAL: 2910
		Title 25	
		07/19/10	ADOPT: 6932 REPEAL: 6932
		06/11/10	AMEND: 8315
		05/25/10	AMEND: 7966, 7970
		Title 27	
		07/13/10	AMEND: 25705(b)
		Title MPP	
05/18/10	ADOPT: 100059.1, 100061.2 AMEND: 100057, 100058, 100059, 100059.2, 100060, 100061, 100061.1, 100062, 100063, 100063.1, 100064, 100064.1, 100065, 100066, 100067, 100068, 100069, 100070, 100071, 100072, 100073, 100074, 100075, 100076, 100077, 100078, 100079, 100080, 100081, 100082, 100083	09/03/10	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
		08/26/10	AMEND: 40-188
		08/26/10	AMEND: 44-211
		08/26/10	ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140
		06/10/10	AMEND: 42-302, 42-712, 42-713
		06/02/10	AMEND: 19-005
05/18/10	ADOPT: 100340, 100341, 100342, 100343, 100343.1, 100343.2, 100343.3, 100344, 100345, 100346, 100346.1, 100347, 100348, 100349	05/17/10	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
		05/17/10	AMEND: 44-211
05/18/10	ADOPT: 100202.1, 100206.1, 100206.2, 100206.3, 100206.4, 100208.1,	05/10/10	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306